



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Wednesday, 22nd May 2024**

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N. R. Inder	L. S. Trott
A. Kazantseva-Miller	S. P. J. Vermeulen

**Representatives of the Island of Alderney**

Alderney Representatives S. Roberts

**The Clerk to the States of Deliberation**

E. Gallienne Esq. (Deputy Greffier)

**Absent at the Evocation**

Deputies V. S. Oliver, P. J. Roffey (*indisposé*);  
Alderney Representative E. A. J. Snowdon (*relevé à 2h 32*);  
Deputy P. T. R. Ferbrache (*absent de l'île*)

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# States of Deliberation

*The States met at 9.30 a.m. in the presence of  
His Excellency Lt Gen Richard Cripwell  
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

## PRAYERS

*The Deputy Greffier*

## EVOCATION

## CONVOCATION

**The Deputy Greffier:** Billet d'État VII of 2024. To the Members of the States of the Island of Guernsey, I hereby give notice that the Meeting of the States of Deliberation will be held at the Royal Courthouse on Wednesday 22nd May 2024 at 9.30 a.m. to consider the items listed in the Billet d'État, which have been submitted for debate.

## In Memoriam – Former Douzaine Representative and Deputy Mr David Grut

**The Bailiff:** Members of the States of Deliberation, sadly we must start this States' Meeting by paying tribute to former St Saviour's Douzaine Representative and West District Deputy David Alan Grut, who died on 17th April, aged 73.

10 Dave, as he was usually known, was born in Guernsey. After attending Elizabeth College, he qualified as an electronics engineer. He worked in England and subsequently in Australia for a number of years in the field of rockets, before returning to Guernsey after spells of backpacking. He joined the family business, Gruts in the Pollett, which I am sure many of you will remember, becoming Managing Director and then Chairman from 1977 to 2005.

15 Dave followed his father, former Conseiller Alan Grut, by entering Guernsey politics. He did this through what I can describe as the well-trodden, old parish route, serving two years as the Procureur of the Poor for St Saviour's and then as that parish's Constable in 1987 and 1988, after which he joined the Douzaine, of which he was a member until 2006, leaving as its Vice-Dean.

20 He was chosen as the Parish Douzaine Representative, from 1999 to April 2004, when that office was abolished, following which he was elected as a Deputy for the newly created West District, topping the poll. He did not seek re-election at the 2008 General Election, choosing instead to retire from politics.

25 During his time as a Member of the States, Dave sat on various Committees. He had first been appointed as a non-States' Member of the Board of Administration in 1995 and remained on that Committee until 2002. He also sat on a wide range of other Committees and there were many in

those days. The Public Assistance Authority, the Children Board, the Overseas Aid Committee, the Ecclesiastical Committee, the Tourist Board and the Board of Health.

As a Deputy he sat on the Health & Social Services Department, becoming its Deputy Minister, as well as on the Education Department, along with serving on the boards of the Ladies' College and Elizabeth College.

It was in respect of education matters that I recall first meeting Dave and enjoying his insights into the matters on which I was called upon to advise. Sadly, his time as a Member of the States predates the introduction of *Hansard*, so I cannot refer to any contributions he made to debates.

It is clear that someone with Dave's public service ethic would seek other ways in which to serve. Approximately 30 months after retiring from politics, Dave was elected as a *Juré-Justicier* of the Royal Court in November 2010. He was nominated for that office by Deputy Trott and seconded by then Deputy Carole Steer. They both highlighted his long record of public service to the Island. Indeed his suitability for the office of *Jurat* was further enhanced by his having sat on the Juvenile Panel of the Magistrates' Court previously.

He gave distinguished service as a *Jurat* for almost a decade until he decided to seek appointment as a *Juré-Justicier Suppleant* in September 2020, although he subsequently resigned from that office on ill health grounds in late 2022.

Outside of Dave's career serving this Island in various capacities, given his background, unsurprisingly he was a keen photographer. Dave also enjoyed various sports, including skiing, golf, squash, tennis and boating. He was a regular attender at music festivals. I might describe him as being something of a free spirit. Of course, he continued to travel as much as he could.

Dave leaves his partner Sally, children Lisa, Peter and Tim, grandson Ben, along with his sister and wider family, to all of whom we extend our sincere condolences. Members of the States, will you now please join me in rising for a period of silence to honour the memory of former States' Member David Grut.

*Members stood in silence.*

**The Bailiff:** Thank you all very much.

## Statements

### General update –

#### **Statement by the Vice-President of the Committee for Employment & Social Security**

**The Bailiff:** Now Members of the States, without more ado, but noting that the President of the Committee for Employment & Social Security is *indisposé*, I would invite the Vice-President, Deputy de Sausmarez to deliver that Committee's Statement, pursuant to Rule 10(4) please.

**Deputy de Sausmarez:** Thank you, sir.

I will start with the Affordable Housing Development Programme – where progress is being made on several fronts. Services and foundations are being installed for 14 units of specialised housing at La Vielle Plage, with an indicative completion date of Q3, 2025. Meanwhile a unit at Sir John Leale Avenue, designed to meet a specific family's needs, will be completed next month.

The Guernsey Housing Association has secured planning permission for the development of 57 one-bedroom units at the former C.I. Tyres site in La Charroterie, now known as Domaine des Moulins. And the Association is finalising the project plan. Detailed designs are being prepared for

the development of the former Braye Lodge site, in close consultation with planning officers, which due to its proximity to the PEH is a prime site for housing key health workers.

A joint venture between Infinity Construction Limited and the GHA now has planning permission for 21 units of accommodation on Oberlands Road. The agreement will see the GHA purchase 15 completed one-bedroom apartments from Infinity, which it would rent to key workers, while the other six homes built on the site will go to the private housing market.

The GHA is also progressing negotiations on a joint venture development on the Pointues Rocques site, which could see 68 units of housing delivered, 41 of which would be for Affordable Housing. The progress of these two joint venture developments is an excellent example of a new way of developing sites which can deliver against both the Island's private and affordable housing needs.

Moving on to consideration of larger sites, the GHA has appointed Savills to undertake a master planning exercise for the Fontaine Vinery and Duval Vinery sites. Stakeholder workshops involving parish representatives, infrastructure providers, the wider community and service experts took place in March, with the final workshop taking place this Friday. The GHA will then have the outline site plan and infrastructure proposals against which it can prepare detailed designs.

Although the Committee is absolutely focused on advancing the Affordable Housing Development Programme, it remains a source of great frustration to us that it takes such a long time for these larger sites to move from identification to spades in the ground. Very often sites in the Affordable Housing Development Programme are complex to build due to their scale, surrounding area and significant infrastructure issues.

There are always reasons why these sites were not picked up and developed before they became part of the Affordable Housing Development Programme and now we have to address those issues. Planning for these sites takes time to ensure it is done right, but that is important for those who will live in them, those living in the surrounding area and the wider community.

It does take far more time than my Committee, States' Members or the community would ideally wish. But it is the right thing to do. I must make it abundantly clear that this is not a criticism of anyone or any organisation. Quite the contrary – an enormous amount of hard work is going on behind the scenes to progress affordable housing developments as quickly as possible.

A key tool in making sure the programme of affordable housing can be continued and expanded will be the provision made for affordable housing in the next iteration of the Island Development Plan and my Committee is very keen indeed to learn what is being proposed in this respect.

Moving on to the Supporting Occupational Health & Wellbeing Programme. The programme is a very good example of partnership working and I am encouraged by the engagement we have seen from HSC, particularly Public Health, primary care, occupational health, and the third sector.

There is an important relationship between work and health with evidence showing that healthy life expectancy is negatively affected by economic inactivity. We want to make it possible for people to stay in work, or return to work, and by doing so help to maximise workforce participation.

Working collaboratively, the programme will introduce preventative and proactive support for people in work to reduce sickness absence. And, importantly, reduce the number of sickness claims which then become long-term.

On this point, in 2023 we saw the volume of new incapacity benefit claims – that is the number of claims reaching a duration of six months – reduce to its lowest level since 2017, and so far in 2024 those numbers are continuing to reduce.

The findings of an employer survey on occupational health needs will help form the pillars of what will become an Occupational Health Strategy for Guernsey and Alderney. This work will reinforce commitment to work rehabilitation and wellbeing from a strategic perspective and will help support an active workforce.

At an operational level, a case management team has been established within Social Security. Officers proactively contact customers if their claim for sickness benefit has lasted, or is expected to last, beyond four weeks. Where appropriate, officers liaise with treating practitioners and employers to agree return to work plans and signpost other suitable support.

In identifying a pathway back into work, case managers provide flexible support and can access initiatives which enable a gradual return to work, re-training, voluntary work, work experience, paid work placements, recruitment grants for employers and back to work bonuses. The team is now considering how this support can be further improved. Returning to work after a long period of absence is very different to doing so after a few days off. While it is not necessary in all cases, having flexibility within the benefits system is essential.

Comparing calendar years 2022 and 2023, the SOHWELL team saw a 120% increase in the number of people returning to work on a gradual basis after a period of illness. If the benefits system did not support this, it is likely that either the sickness period would have run on until an individual was fully fit to return to work or run the risk of a person returning to work too quickly only to experience another period of absence.

Turning now to a topic, which usually flies under the radar but is a vital public service of constitutional importance: Legal Aid. The Legal Aid Scheme seeks to ensure that Bailiwick citizens are not excluded from access to justice on account of their means. The current provision had not been reviewed since 2007 and the financial eligibility assessment criteria remain as originally established in 2005.

An independent review of the Legal Aid Scheme was jointly commissioned in May 2023 by P&R and ESS. The independent reviewer carried out a very thorough piece of work, including extensive consultation with stakeholders and comparisons with other jurisdictions. He concluded his work in late 2023 and presented his recommendations to the two Committees in January this year.

I am pleased to say he concluded that the current Guernsey Legal Aid Scheme stands up well by international standards, both in terms of its coverage and the simplicity of its rules. However, he identified a good deal of scope for improvement best achieved by developing the current scheme rather than more fundamental reforms.

The Committee is currently seeking the views of all stakeholders in respect of the 80-plus recommendations set out in the report. The recommendations will then be considered by the Committee in the light of any feedback received.

It is clear this will be a significant and ongoing piece of work for the Committee, the Guernsey Legal Aid Service and, potentially, other organisations involved in the administration of justice in the Bailiwick, well into the next term of government.

Turning now to the Supported Living and Ageing Well Strategy (SLAWS). When Deputy Roffey last reported to the States in December 2023, he advised that rapid progress was being made with particular focus on the provision and funding of long-term care. I regret to advise, although this will come as no surprise to Members of this Assembly following recent public comments from the Presidents of the three Committees engaged in this work, that this is no longer the case.

It is neither appropriate, nor possible within the time available today, to explore the differences of opinion that are currently hampering progress. Suffice to say that the three engaged Committees – ESS, P&R and HSC – have, as yet, been unable to agree how best to proceed.

This was mainly precipitated by the change in the membership of the Policy & Resources Committee but is also reflective of the difficulty of bringing forward any matter of substance, particularly controversial matters, towards the end of a political term. But I remain ever hopeful.

When representatives of the three Committees met recently there was what is best described as a refreshingly candid exchange of views. And I still believe we might be able to chart an agreed path forward. Albeit not one which fully satisfies anyone. If this proves impossible, it is likely that ESS will bring forward proposals relating to matters falling specifically within its mandate, such as long-term care benefit rates and uprating policy, on the basis that it is better to do something, than nothing at all.

Another significant project the Committee is working on is the review of the structure of the Social Security contributions system. Members will recall that the Tax Review, considered by the States in early 2023, included a proposed restructure of the Social Security contributions system aimed at reducing inequities across different classifications of contributors and making it more progressive.



170 The Assembly subsequently agreed to direct the Committee to develop detailed policy proposals for a progressive restructuring of the Social Security contributions system and to return to the Assembly with proposals by the end of 2024.

175 The proposals for the restructure of the contributions system set out in the Tax Review policy letter form the starting point for the current review, although those proposals do need to be modified to some extent due to the review now being standalone, and not part of a proposal that contains broader changes to the tax base. This work is well underway, and it is anticipated that the Committee will be able to meet the end of 2024 reporting deadline. Although, obviously, it is a matter where consultation with P&R will be important.

180 Moving on to secondary pensions. Following the launch of Your Island Pension in January 2024, promotion of the forthcoming statutory obligation on employers to enrol their employees into a secondary pension scheme has intensified.

Sovereign – the provider of Your Island Pension (YIP) – is also running a campaign to raise awareness amongst employers. On-boarding through Sovereign’s digital platform continues with the option to submit relevant files through the States of Guernsey’s Returns Creator product.

185 The requirement for auto-enrolment comes into effect on 1st July for employers with 26 or more employees. This will then be rolled out in phases to smaller employers, culminating in the duty applying to employers with one employee from 1st October 2025.

190 The Prevention of Discrimination (Guernsey) Ordinance, 2022 entered into force on 1st October 2023. So far this year the Employment & Equal Opportunities Service has seen an increase in customer enquiries of over 17% compared to the same period last year. The level of complexity of these cases is also increasing with over 15% of all customers raising concerns or complaints relating to multiple issues.

195 Employees still make up the majority of customers at just over 50%, however, it is really encouraging to see the number of employers accessing the service gradually increasing and now accounting for nearly 30% of all customers, compared to 21% in the same period last year. Perhaps unsurprisingly, discrimination is now the top reason for customers to seek advice from EEOs accounting for 17% of all enquiries so far this year, compared to less than 5% for the same period in 2023.

200 The team is managing the increased volumes well and feedback from customers has been positive. Since October 2023 there have been a total of 47 pre-complaints received, 17 of which involve at least one claim of discrimination. Not all pre-complaints will result in tribunal proceedings as many cases will either be withdrawn or settled before matters progress that far.

205 A high-level review of the operation of the Ordinance, is due to be carried out in Q3 2024. Phase 2A of the development of the Ordinance aims to extend its coverage to the ground of age and those grounds covered under the existing Sex Discrimination (Employment) (Guernsey) Ordinance, 2005 – those are sex, marriage and gender reassignment – with any appropriate updates in the framing of those grounds.

The Committee is planning to launch a public consultation soon in respect of age discrimination. Further policy work is necessary before a similar consultation can proceed in respect of the grounds covered under the existing Sex Discrimination Ordinance.

210 The timeframe is very challenging indeed, but the Committee remains committed to trying to bring policy proposals to the States in respect of all aspects of phase 2A during this term of Government.

215 And finally I can advise that the Committee will be submitting a policy letter in early July, proposing the rates of the minimum wage to apply from 1st October 2024, and reporting on the results of a recent public consultation regarding the development of a new medium-term plan for the minimum wage.

That is the end of the Statement and I welcome any questions on the mandate of ESS and I will do my absolute best to answer them.

Thank you.

**The Bailiff:** Deputy Vermeulen.

**Deputy Vermeulen:** Thank you, sir. I thank the Vice-President for reading out the update on her Committee.

Your Committee takes roughly one third of all taxes collected in Guernsey and over half of your budget is spent on pensions. So with that in mind, it is a large sum of money that you are handling, and I just wondered if the Vice-President could tell me what the appetite is like within the Committee for making savings and efficiencies, moving forward? A very important point.

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** I am not sure whether or not I have interpreted Deputy Vermeulen's question correctly but I will give it a go. By the framing of his question, I assume, because he talked about pensions, first of all I do need, as a matter of accuracy, to say that I do not believe we are in receipt of taxes. We are in receipt of Social Security contributions, which is different. But by the framing of Deputy Vermeulen's question, I assume he is talking about savings to pensions. *(Interjection)* Oh, okay.

In that case, yes, obviously the Committee is engaging very wholeheartedly with P&R and the Savings Subcommittee, of which Deputy Vermeulen is a Member, and actually they came into a recent ESS meeting to discuss the scope for savings and so the Committee is engaging with that sub-group. We have actually been praised by the Vice-President of P&R for how thoroughly we have engaged with that and how openly and proactively we have come up with suggestions. So, absolutely, that is a piece of work that the Committee is looking at.

**The Bailiff:** Deputy Leadbeater.

**Deputy Leadbeater:** Thank you, sir, and I thank the Vice-President for her update.

She mentioned the Social Security restructure and the Tax Review in January 2023. There was also an amendment, Leadbeater/Cameron amendment, that instructed jointly P&R and ESS to return by January 2024 with proposals looking at getting people back into work.

I think the President updated us some time ago, six months ago, saying that work was ongoing and it was not going to hit the timescales. Can she give us any indication of when that report will be coming to the States?

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** I am afraid I am going to have to disappoint Deputy Leadbeater in terms of a specific timeline. But I absolutely share his passion for that particular bit of work. I too think it is incredibly important. As Deputy Leadbeater rightly said, it is a joint piece of work; my understanding is that the main barrier to that work is the resources. I know that is something we talked about recently in a meeting with the President of P&R but I can look to give him a more detailed answer in terms of the timeline after the States' Meeting.

**The Bailiff:** Deputy Fairclough.

**Deputy Fairclough:** Thank you, sir, and I thank the Vice-President for the update.

I am disappointed to hear formally of the derailment of the plans to address the Island's long-term care needs. I think the original timeline would have seen proposals back before this Assembly last month. What does the Vice-President of ESS believe can be done to get this very important work back on track so that it can be brought before this Assembly?

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Well there are representatives of the three relevant Committees, being P&R, ESS and HSC, representatives of all those Committees are meeting, I think we have now managed to find a date, next week; and because all three Committees do recognise that it is a very important workstream we want to be able to find some grounds for consensus on how we move it forward, as was mentioned in the Statement.

If that proves impossible then ESS will be looking to bring some proposals forward, which are obviously restricted to its mandate. But I am perhaps naively optimistic that we will be able to, through discussions with representatives of the three Committees, soon be able to find a way forward. Obviously if we can do that we will update Members as soon as possible.

**The Bailiff:** Deputy Gabriel.

**Deputy Gabriel:** Thank you, sir. I thank the Vice-President for her update.

I wanted to specifically ask about the Affordable Housing Programme for the GHA and affordable housing in this context, the States' context, of members of the community that cannot afford it in the private market. My question is, are the GHA looking at advancing their programme with modern methods of construction or even alternative methods of construction, such as micro-housing, or 3D printing, or modular units?

Thank you.

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** The short answer to that is yes and, as Deputy Gabriel knows, but other Members may well not, that is also a subject that is currently under review and there is very specifically a link between that bit of work, so we have got industry experts in modern methods of construction, which include the modes that Deputy Gabriel has mentioned. We have experts in that field and there is a very specific link between that work and the Affordable Housing Programme.

So actually that work would also look at suitability for particular sites because some of those modes of construction are site specific to a degree, depending on the supporting infrastructure and the planning constraints and things like that. So it is an important bit of work. There is an explicit link with the Affordable Housing Development Programme and the GHA, anyway, have already been proactively looking at such methods for some time.

Thank you.

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Actually, this applies to SLAWS as well, but Deputy de Sausmarez mentioned the reorganisation of contributions for Social Security, a project I supported on the Committee and still support in principle.

But would it not make sense, given the changes in the distribution of payments and benefits, to integrate a reorganisation of Social Security contributions and some of the issues in SLAWS in such a way that we have a more holistic Personal Tax and Benefits Review so that we can all know in what direction we are going in, in terms of the contribution individuals make and the fairness they receive?

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** I do not disagree with Deputy Gollop's principle that there should be joined up thinking and a more holistic approach but I think the short answer is we tried that and so, as the Statement set out, because it could not be done as part of that bigger Tax Review, it is now something that is being progressed.

325 We certainly picked up, through the debate on the Tax Review, that there was broad support for  
that kind of restructuring of Social Security and I think really what it comes down to is, yes, ideally,  
it would be part of a bigger picture but actually there are some inequities within that system, many  
bits of illogic, which Deputy Gollop will be very familiar with, which actually could and probably  
should be tackled as soon as is practical, rather than just waiting for that larger piece of work and  
so that is what the Committee is working on.

330 **The Bailiff:** Deputy Inder.

**Deputy Inder:** Only briefly, I am just going to pick up something that Deputy Fairclough raised.  
2nd January, quoting from *The Guernsey Press*, 'Work on the Government's long-running Supported  
335 Living and Ageing Well Strategy is nearing completion.' I remind Members, we are heading towards  
June, now. A report for the States' debate this first half of the new year and it goes on to mention  
such a proposal to take up to 10% of the value of the home was rejected by the States in 2020.

Why has it taken ESS so long to submit to the States something that, quoted from *The Guernsey  
Press*, was nearing completion 2nd January this year? What is the real reason?

340 **The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** My experience of working in the media is that media reports are often,  
over the Christmas and New Year period, reports are being prepared. I do not know where *The  
345 Guernsey Press* ... I have not seen the article that Deputy Inder is referring to, I also do not know  
what quote it was referring to when that was made. But obviously, around 13th December, I think  
it was, there was a pretty significant change in relation to the composition of P&R. Now this is not  
just a workstream. SLWS is not just an ESS workstream. It is quite rightly a joint workstream between  
P&R, HSC and ESS, because the mandates are completely inter-dependent on this issue.

350 So the real reason that that work is not on its original timeline, my understanding is that the  
incoming P&R had a very different view to the previous P&R and that is why things had to be  
reconsidered. It is quite right. P&R have got every right to be able to put forward proposals as they  
see fit, rather than what their predecessors saw fit. So that is the reason that the timeline had to be  
adjusted. As I have said in the Statement, I am hopeful that we can bring forward, we can move this  
355 very important bit of work forward and the three Committees are working together currently to try  
to achieve that aim.

**The Bailiff:** Deputy Mahoney.

360 **Deputy Mahoney:** Thanks. Just to clarify on that last answer, since the HSC Committee is broadly  
the same and ESS is broadly the same and the moving part there was P&R, is it P&R that have  
therefore stalled this, since those other two Committees remain the same?

**The Bailiff:** Deputy de Sausmarez.

365 **Deputy de Sausmarez:** I am not sure that that falls into the mandate of ESS. I am not sure I am  
qualified to give a view on that question. But my understanding, and I have to say I have not been  
as directly involved in as many of the conversations as Deputy Roffey because hitherto it really has  
been moved forward in terms of the joint working, mostly by meetings between the Presidents,  
370 rather than the full Committees, so I cannot give a view. All I know is that the current P&R have  
quite a different position, as I understand it, from the previous P&R, but that is really for the current  
P&R to speak to and I do not feel as though I am able to answer on their behalf on that question.

**The Bailiff:** Deputy Haskins.

**Deputy Haskins:** Thank you.

I would just like to ask the Committee, there was lots said regarding the affordable homes and plans, but I seek some clarification. What is the forecast total number of affordable homes that the Committee expect to have been completed by the end of this political term?

380 Thank you.

**The Bailiff:** Deputy de Sausmarez.

385 **Deputy de Sausmarez:** Without forewarning of that question I am going to have to go off the top of my head. I can remember that it is about 440 delivered units within the next five years. I think it is in the region of – I do not know the exact timelines because there is about a year left – so probably in the next 12 months I think the expected total is in the region of about 30 but then significant numbers after that.

390 The reason it stays like that is from the start of this political term, ESS and the Affordable Housing Development Programme really had to start from square one because there was not a pipeline of land. So in developing housing, whether that is affordable or private market, you have got to start with a site. So in terms of the Affordable Housing Development Programme, it starts with site identification, then site acquisition, if appropriate, and then all the planning aspects and then of course you can move onto the construction phase.

395 Because we started this political term with no pipeline supply of land to speak of, we really have to start from square one, which is why there has been this significant lag. But I am pleased to say that actually the medium term projections are looking far healthier, despite the interruption, the very regrettable interruption, but you cannot shortcut the lack of land. If you do not have sites you cannot just wave a magic wand and expect them to sprout out of the ground.

400 Unfortunately, we have had to go through that very lengthy process but the whole programme is back on track and looking healthy going forwards but, yes –

**The Bailiff:** Deputy de Sausmarez, your time for answering the question is up.

Deputy Kazantseva-Miller.

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**Deputy Kazantseva-Miller:** Sir, the Vice-President reminded us that the Your Island Plan will come into effect on 1st July, affecting larger companies of 26 employees or more. Would the Vice-President be able to tell us what percentage of those qualifying companies has already enrolled and what percentage is outstanding? If the Vice-President is not able to provide this information could she commit that her Committee will update Deputies and the public on the rate of uptake of the scheme before the launch?

Thank you.

**The Bailiff:** Deputy de Sausmarez.

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**Deputy de Sausmarez:** Yes. I do not have any specific numbers but I do know from feedback that the team rolling that out have been really proactive and tried a different way, including literally going around to businesses in person to make sure that awareness is where it should be and certainly the feedback the Committee has had has been positive and it looks as though businesses are engaging and many of them are in a good state of preparedness. But I will endeavour to get Deputy Kazantseva-Miller the figures that she has asked for and circulate them after the Meeting.

**The Bailiff:** Deputy Dyke.

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**Deputy Dyke:** Thank you, sir.

Could I just follow up with a question to Deputy de Sausmarez's answer on the availability of sites? She was saying at the beginning of this term we had no sites but what about Fontaine Vinery,

Kenilworth, the Saltpans, part of it we had at the beginning? We had designated as housing priority areas sites owned by the States with the potential for hundreds of units and yet none of them have been developed, whilst we have been buying other sites on top of that. I do not understand; perhaps she could clarify that answer?

Thank you.

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Thank you.

I am surprised that a Member of the DPA is not familiar with the amount of pipeline supply that is necessary for the development of affordable housing. Even including the sites that he has listed, we are still not fully complimented in terms of there is not a full complement of sites for the Affordable Housing Programme going forward –

**Deputy Dyke:** Point of correction.

**The Bailiff:** Deputy Dyke, you cannot have a point of correction during questions on a Statement. You can simply seek to ask a subsequent question.

Deputy de Sausmarez to continue, please.

**Deputy de Sausmarez:** Thank you, sir.

There is also a difference between land that is in the States' ownership and land that has been assessed in terms of its suitability for a housing development. So there is still a considerable process – happy to talk Deputy Dyke through it – in terms of getting from ... The States owns lots of sites but not all of them are suitable for housing and so that is part of the site identification process, which I touched on.

**The Bailiff:** Deputy Inder.

**Deputy Inder:** Picking up on Deputy Dyke's question, in response to a previous question, Deputy de Sausmarez said there is no pipeline of land. I agree with Deputy Dyke, Fontaine Vinery – and we have been talking about that since 2018 – the question really is why hasn't Fontaine Vinery been built before the Island has been on a buying spree?

There is quite clearly a pipeline of land, it is just this Government, or via the GHA or ESS, whoever is responsible, has chosen not to do it. So will she be withdrawing that statement there is no pipeline of land when clearly there is?

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Deputy Inder is right in part. Like a curate's egg. Fontaine was in States' ownership. I think actually it was not transferred to the GHA until this political term. Kenilworth Vinery, certainly, was not in the States' ownership. That was acquired earlier on this term. But as I said in the Statement, there is a reason that these large development sites have not been developed previously and that is because they are complex and in the case of Fontaine there are lots of complications, not least tenants that were currently using it.

P&R will probably be able to enlighten Deputy Inder about some of the complications around the current use and also Deputy Inder will be aware that the adjacent Duval Vinery site, which is now being planned as part of that, was also not in ownership and we are in a much stronger position now that we do have the whole of that site and we are able to progress it.

Ownership is one thing. But actually, as the current master-planning process is showing – it has been fascinating, I have been very privileged to have been involved in that, it has been a big community effort with all the infrastructure and service providers being involved – it is really

480 complex to plan a large site like that and get it right for the future residents and get it right for the wider community.

So it has been a really productive process. It does take a little bit more time to plan it properly but it is absolutely essential to make sure that you can get around problems. It is problems like sewage –

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**The Bailiff:** Deputy de Sausmarez, your time is up once again.  
Deputy Soulsby.

**Deputy Soulsby:** Thank you, sir.

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When pestering the President earlier in this term about when the SOHWELL or Supporting Occupational Health and Wellbeing programme would be brought in, I am pleased to see that the early results show this to be the case as the potential benefits and savings were clear. Following on from Deputy Vermeulen's comments, can the Vice-President advise whether her Committee is actively considering other areas where a proactive change in the system, rather than cuts to benefits, could result in savings, working with other Committees, particularly HSC?

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**The Bailiff:** Deputy de Sausmarez.

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**Deputy de Sausmarez:** Yes and Deputy Soulsby is quite right. I am a big fan, and I know she is as well, of a stitch in time saving nine and proactive measures, which I really do think pay dividends and so we too were very heartened to see that evidence supporting that approach. I think, certainly, the Committee is keen to explore any further opportunities.

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The one that springs to mind, which is not really health related so much but I know that the Committee is keen to explore, comes back to something that Deputy Leadbeater touched on, which is childcare as an economic enabler and I know that is something that I personally, and I think it is a view shared by the Committee as well, am very keen to look at the wider economic and social benefits of changing how we support that.

**The Bailiff:** Deputy Trott.

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**Deputy Trott:** Thank you, sir.

With due credit to all those previously involved, would the Vice-President agree with me that, with the potential of 300-plus new homes at Leale's Yard and an average new home creation rate of around 100 per year, in previous years, in an environment with GP11 in force, it is not unreasonable to forecast at least 600-700 new homes within a three-year period from today?

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**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Thank you, sir.

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I can only really speak to the Affordable Housing Programme, with my ESS hat on. I know I am standing in an E&I place, which is maybe what is a little bit confusing, but I certainly agree with his overall assessment that there is an awful lot of work, and I am really glad to see that a lot of work that we have been doing behind the scenes, since the very starting gun of this political term – and I do have to give credit to Deputy Roffey for being very quick off the mark and making it clear what an urgent and pressing priority housing was right from the start of this political term and doing a great job of pushing it up the agenda – but I do agree with Deputy Trott's assessment that all the work that we have been putting in does now look as though it will bear fruit and I have got every finger crossed.

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530 **The Bailiff:** Members of the States, I should have announced just before asking the last question from Deputy Trott to be put that I am going to extend time for questions to the Vice-President for a short period of time, just because there seems to be a degree of interest in the topic.  
Deputy Leadbeater.

535 **Deputy Leadbeater:** Thank you, sir.  
The Vice-President has talked about some of the sites that we know are coming online for key workers and also she talked about the Pointues Rocques and potential affordable housing there. She mentioned 440 units, approximately, in the next five years. We know that some of the sites she is talking about and all the other sites that have been mentioned, there is going to be a lag between  
540 when those units are going to be available and a lot of those are not going to come on line until 2026, potentially 2027.

Is the Committee concerned about the growing demand in that timeframe for the households that we are creating as we go forward via immigration and natural creation and are there any measures that they are considering putting into place to try and mitigate those issues, with the units  
545 not coming on line until a few years down the line?

Thank you.

**The Bailiff:** Deputy de Sausmarez.

550 **Deputy de Sausmarez:** Certainly, I am concerned, and it is really difficult to disaggregate my ESS hat and E&I hat when talking about this because there is so much interdependency between waiting lists for affordable housing and the private market, particularly the private rental sector. So I would say that the answer is in the Guernsey Housing Plan, which does look at that system and as a system and as a whole.

555 I think I am right in saying that the waiting list for affordable housing has not spiked significantly but that is not to say that there is not latent demand. It might just be that the waiting lists are so long that people are not bothering to add themselves to the end of it. Obviously, the Committee is doing everything it can, including looking at policies and making sure that they are appropriate and proportionate and where necessary flexible as well.

560 So for example one of those policy areas is in relation to the maximum rent allowance and where someone who is eligible and indeed probably dependent on Income Support is in the private rental sector and the maximum rent allowance does not meet their rent needs so there is some flexibility in the system there, when people really have no choice, because there is nowhere else for them to go. But there is a lot of proactive work with those people and I have to give credit to the officers for  
565 being very proactive and also very –

**The Bailiff:** Deputy de Sausmarez, I am afraid your time is up, once again.  
Deputy Vermeulen.

570 **Deputy Vermeulen:** Thank you, sir.  
I attended a seminar by Arc4 at the excellent Peninsula Hotel and the expert consultant said that on social housing, their finding was that Guernsey had been rather, in her opinion, building them too big, at 114 m<sup>2</sup>, and that social housing in the UK was more like 72 m<sup>2</sup>. Now on the point of cost savings, it does not take a rocket scientist to work out that, if we are building them 30% bigger than  
575 they actually need to be, there is going to be a 30% higher cost. Will you be looking at building them more to 72 m<sup>2</sup> in future?

Thank you.

**The Bailiff:** Deputy de Sausmarez.

580 **Deputy de Sausmarez:** Thank you, sir.



I do remember that reference but my recollection, and I will go and double check, was that was in relation to what developers were proposing to build as their contribution towards GP11. That was what Arc4 were saying. So that was one of the reasons that was affecting viability of the affordable housing contribution by private developers, because the units that were being proposed to be built were very significantly bigger, as Deputy Vermeulen said, than the standard States' requirements.

I will certainly look into it. There may be reasons. If the standard of affordable housing units provided by the GHA in recent years has been very significantly bigger then that is certainly something that ESS will look at as a policy consideration.

**The Bailiff:** Deputy Matthews.

**Deputy Matthews:** Thank you, sir.

The Vice-President mentioned in a previous answer we will know about the interest in looking at modern methods of construction, which has some crossover with the mandate of E&I that is of course of interest to ESS.

I wondered, given that MMC will include looking at things like the pre-built units, drop in construction, and pods and emergency housing, does the Vice-President agree with me that these types of development – given also in her Statement, the Vice-President mentioned the frustration about the very long lead times developing large social housing sites – these types of development cannot come soon enough and that, while there has traditionally been some resistance to the developments that might look a little bit like a trailer park or something like that taking hold in the Island, when we are now looking at a situation where there are reports –?

**The Bailiff:** Deputy Matthews, you have asked the question that Deputy de Sausmarez will answer but your time is up for asking it.

Deputy de Sausmarez.

**Deputy de Sausmarez:** I think I heard a question. Deputy Matthews is quite right to underscore the level of housing need and he is also quite right to draw attention to the fact that modern methods of construction have much to recommend them. But so far I know that when the GHA have been looking at this and certainly the work that we have done the headline answer is it is never as simple as people assume.

We get lots and lots of people coming up to us and saying I have got the answer, we just need to plonk this here and we can put these up and they will sprout like weeds and that is the answer to our prayers. There are of course lots of considerations, particularly about the provision of adequate infrastructure and services, utilities, to a particular site, to enable housing, even if that is temporary housing.

I do think it has a potentially important role to play. I do know that the GHA and ESS, by virtue of that, are keen to explore any avenues and I think we have got a live piece of work looking at modern methods of construction and I think we will look to see what potential avenues are worth exploring further as a result of that work. But yes we are very keen to put in place any practical solutions that are going to work in a Guernsey context.

**The Bailiff:** Deputy Helyar.

**Deputy Helyar:** Thank you, sir, and I thank the Vice-President for the update.

I heard with interest plans to bring back to the States proposals to amend Social Security structure, which were part of the Tax Review. I find that slightly paradoxical, given that the majority of Members of ESS voted against the tax reform proposals and of course the amendments to Social Security were only affordable as a result of those tax reforms. How will it be possible for Social Security to be amended without substantial rises in rates for the public?

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** I do not think there is anything paradoxical at all, actually. All Members of ESS were fully supportive of the principle of restructuring Social Security contributions because we were very familiar with some of the issues and inequities arising from the current structure and yes, as I said in the Statement, as the Statement very clearly set out, the restructure that was proposed in the Tax Review is the starting point for the bit of work that we are now doing. But it is now a standalone bit of work and therefore it needs to be modified accordingly.

But it is still perfectly possible to restructure the Social Security contributions without a very significant increase in income. They can be done in a mutually inclusive way, as was proposed in the tax reforms. The majority of the Committee did have a problem with the tax elements of that. But it is also perfectly feasible to restructure Social Security contributions in a way that makes it more equitable and more effective without similar levels of income, as was originally proposed in the Tax Review.

**The Bailiff:** Deputy Taylor.

**Deputy Taylor:** Thank you, sir.

In his question, Deputy Trott seemed overly confident that 300 completed units of accommodation would be available at Leale's Yard within three years. Notwithstanding the fact that the applicants have yet to apply for full planning permission and that Policy & Resources advised States' Members that the applicant did not have the means to progress the scheme, this statement from Deputy Trott is completely at odds with the four-year timeframe that was indicated by the developer to all States' Members just earlier this year.

I am concerned that Deputy Trott has put all his eggs in one basket so I am seeking confirmation from the Vice-President that P&R are providing all the necessary resources that ESS need to progress the affordable housing programme.

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** I can certainly assure Deputy Taylor that there is a lot of conversation between P&R and ESS and certainly while the proof of the pudding is in the eating, early indications I would like to say are positive. See if I get a thumbs up from Deputy Trott. It is a double thumbs up from both, so there you go!

**The Bailiff:** I am going to take just three more questions. I am going to call Deputy Moakes next and then Deputy Haskins and then Deputy Kazantseva-Miller, and that will be the end of questions to the Vice-President.

Deputy Moakes.

**Deputy Moakes:** Thank you, sir. I would like to also thank the Vice-President for her updates. Many of us have been raising the issue of the lack of public and private housing on the Island for many years now. We regularly now have politicians talking about how the GHA will be addressing the shortage of housing. I do not doubt that. But can I suggest that a meeting is set up between the GHA and politicians, so that they themselves can explain how they plan to build homes, how many they plan to build, what type and by when?

Thank you.

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Yes, I am more than happy to recommend that.

685 I meet with the GHA quite often and I am always very interested in what they have to say and I am sure they will be very open to that suggestion and I will pass it on.

But what I will also say is that the GHA are a really important partner in this work but they are not the only people, we have to remember that they are primarily a housing association. They have got existing tenants and existing homes that they need to maintain and it is really important that they do that as well. They are not simply a development company.

690 We have, in the Statement I set out, been looking at joint venture arrangements and it has been really promising what is coming out of those joint venture conversations. So I am much more positive than I might have been a year or so ago about the potential for working in different ways to achieve better outcomes, especially in terms of the number of new affordable housing units that can be delivered.

695 But it is also really important to remember that the GHA have got a lot of existing tenants and a lot of existing homes that they also need to look after, so it is not just about the development side.

**Deputy Moakes:** Thank you.

700 **The Bailiff:** Deputy Haskins.

**Deputy Haskins:** Thank you, sir.

I am thinking about the longer term need or demand for houses and affordable houses. In the quarterly population bulletin I was first surprised that the 85 and over age group increased by 53 people, whereas the number of people in the nought to 15 age category decreased by 52 people. What I am seeking from the Committee is are there any workstreams that it has, at all, that it believes will help in order to address this long-term trend in a declining birth rate?

Thank you.

710 **The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** I am trying to think whether the Island's birth rate is in the mandate of the ESS. I am personally doing the best I can but basically what Deputy Haskins is alluding to is the ageing demographic and that is a very well-known and well-debated issue in this Assembly. Most pertinently I am thinking of the PIPR debate that we had in October 2022, which grappled with exactly this issue.

Although I personally voted to take a slightly different approach, the majority of this Assembly voted to agree a strategic population objective, which obviously now I very much respect and work a plan around and all our work is geared around that strategic population objective but it was about addressing that very issue, the fact that we do have a decreasing ratio between the working population and the older and typically less economically active generation, which is putting very acute pressure on many of our public services, especially in things like housing provision.

If Deputy Haskins was asking about housing specifically then obviously there are certain tenures, which have got a role to play in that. Also there is a planning provision that says any new developments are expected to be constructed to lifetime home standard, which is really important because that means that they are designed to be either fit or able to be adapted for people to stay in their homes and live independently for as long as possible –

730 **The Bailiff:** Deputy de Sausmarez, time is up.

Deputy Kazantseva-Miller to finish us off please.

**Deputy Kazantseva-Miller:** Sir, we know that a lot of money has been duly thrown into buying land for the affordable housing supply but what I have never seen and I believe it has not been shared, what are the unit costs of delivering affordable housing units and how such costs might compare against the cost of delivering similar type and size of housing by the private market? I am

specifically interested in what is the residual taxpayer cost or subsidy that has to go into the provision of such units that will never be recouped through social rental or the partial ownership sale that is being generated.

740 So does the Committee have that data, actually the full cost of delivering affordable housing units, and can the Vice-President commit to sharing that data with the Assembly?

Thank you.

**The Bailiff:** Deputy de Sausmarez.

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**Deputy de Sausmarez:** The answer is yes but not off the top of my head. The main answer is to communicate that it very much depends on the site. Every single site, in order to make the case, which has to go through first ESS, so ESS has to agree it, and then if ESS agrees it, it goes to P&R. Each site and each development, including the unit cost, goes through that process with a fine-tooth comb with each Committee. It really depends because, as Deputy Kazantseva-Miller will be very well aware, depending on your site, depending on the infrastructure requirements, depending on a whole host of other things, that unit cost is going to differ, it is going to vary from site to site.

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What I can say is that it is always, as part of that benchmarking process, as part of that process which goes through both ESS and P&R, it is benchmarked against relevant unit delivery costs for other private market development. I would say that the bit that the States contributes is in the land acquisition but actually it very much washes its face because of course there is a rental income, which covers the cost of the development itself. That is my understanding of how it works. For more details on the financials, including whether they can be shared because it is probably financially, commercially very sensitive, I would have to defer to P&R but I will endeavour to find out the answer of whether it can be shared.

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Certainly –

**The Bailiff:** Deputy de Sausmarez, now time is up.

It makes you wonder whether Deputy Roffey will be allowed to be *indisposé* again!

#### **General update –**

#### **Statement by the President of the Committee for Health & Social Care**

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**The Bailiff:** I am now going to turn to the President of the Committee for Health & Social Care, Deputy Brouard, to deliver that Committee's Statement to the Assembly under Rule 10(4).

Deputy Brouard.

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**Deputy Brouard:** Thank you, sir.

I would like to start by updating the Assembly on the progress of our big ticket programmes as part of the Committee for Health & Social Care's ongoing commitment to the transformation of health and care. Although I do not always make noise about strategies or visions it does not mean we have not got a plan. We do and it is built around the ideals of the Partnership of Purpose.

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The Partnership of Purpose and all the work done in the previous term needs to move from concept and ideals to reality and substance. The team has a very clear vision of where we want to get to but it is equally important to make progress with an actual plan, do actual things that are the actual building blocks of the future. And be very mindful that we are working an area where staff are in demand virtually worldwide so before you make radical changes on paper or set hares running or break what we have, be very sure you have a better workable plan in your pocket and the cheque book.

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There is much to be admired about our health and social care system. We have good care provided by a range of qualified, skilled and committed professionals, good doctors, good

facilities – albeit under pressure – and we should appreciate the quality of services we have and the cost envelope we work within.

Of course, we will always keep an eye on other jurisdictions, both near and far, to understand what works well, what works not so well and what is best to shape our health and social care system for the future.

So to some of our building blocks. Phase one of the Our Hospital Modernisation Programme. The team are working incredibly hard to ensure that service-users will be able to access the new facilities this autumn, the main components being the expansion of the Critical Care Unit from seven beds to 12, with scope for further expansion in the future. This extra space is a response to the growing ageing demographic of our population and gives increased capacity for patients who need to undergo very major surgery. It will also provide increased resilience in the event of a future pandemic or major incident.

There is also the expansion of the Post Anaesthetic Care Unit from seven spaces to 10 spaces. This will free up space and then give the support facilities for the increased operating theatres that will be developed in phase two. Phase one will provide some of the extra capacity to meet demand and facilitate safe delivery of services and will pave the way for the more extensive work to be undertaken in phase two.

As regards the progress of phase two, HSC is currently out to tender for an independent facilitator to lead the value engineering exercise for the next stage of the Programme and this is an important next step in providing us with the information needed to move forward.

Despite there being an indication that Phase 2 may cost more than indicated previously, HSC is resolute of the need to press ahead with this investment, which remains essential if we are to have any chance of meeting the long-term care needs of our community, with demands on health and social care ever-increasing. While we now need time to focus on this work, I reiterate my commitment to keep States' Members updated.

The Committee has appointed Deputy Marc Leadbeater, supported by Deputy Gavin St Pier, to the Hospital Programme; Deputy Aidan Matthews to the Electronic Patient Records Programme; and Dr George Oswald, HSC's non-voting member, to the Our Community Services Programme.

These arrangements will be reviewed in the light of the commissioned work by the Head of the Public Service in terms of whether politicians are best placed on programme or project boards, or not, and we await the findings of this governance review.

Another building block for the future again supporting the Partnership of Purpose and a significant piece of work, part of HSC Transformation Programme is the work on our Electronic Patient Records (EPR). A key enabler for the future is the replacement of our records to a new platform which can enable new working. Better data and efficiencies with teams able to work with a modern digital system, which will have the facilities in the future to link all our health care together with doctors, ambulance and hospital specialists if we wish it to.

As we have already advised, there has been a need to extend the October go live date for the first implementation of the EPR into 2025. It is critical to patient safety to ensure that the transfer of the old records to the new system is implemented seamlessly, and with a high-level attention to testing and new working practices. The EPR team has identified that there would be too much risk to these essential aspects of the programme to go live in October. The Committee will update States' Members as this moves forward.

I am also pleased to be able to update States' Members on the positive progress being made in relation to the 'Our Community Services projects. Another building block for the future.

Works have commenced by the Guernsey Housing Association and their construction partners to develop La Vieille Plage, a 14-unit specialist residential home at L'Islet that will be replacing the outdated facilities at Sunnybrook on the Duchess of Kent site.

This exciting development has been designed to meet the needs of service users with varying degrees of learning and physical disabilities, supporting mobility, accessibility and activities of daily living and to enhance the quality of life of residents. The HSC's Project Team are working with the

835 Adult Disability Service to finalise the details and specifications for the home, and it is due to be completed and ready for occupation in the summer of 2025.

I am confident to say that the new accommodation at La Vieille Plage will be life-changing for its new residents and that it will also provide a much improved working environment for members of staff too. We must pass on our thanks to the Committee for Employment & Social Security for its support with this important development.

Also in that area, progress is being made on the Children & Families Hub, with seed funding granted to explore options for co-locating services which support children and their families at the Raymond Falla House site. This will deliver significant benefits to help improve outcomes for children and their families through enhanced access to and co-ordination of services, and offer improved working environments for staff, which we hope will aid recruitment and retention. The co-location of services in this way will also allow HSC to vacate and return buildings currently being used to the States' Property Unit for sale or repurposing.

Overall, the Hub will provide an exciting opportunity to transform our ways of working and to improve experiences for children and their families.

I will sound like one of Deputy Queripel's broken records and I know that I have spoken about this topic on many occasions before this Assembly, but I wish to reiterate that one of the key enablers for all of the services provided by HSC is accommodation. HSC is fortunate to have a great number of dedicated, hard-working individuals committed to delivering valuable health and social care on our Islands.

We the States need to ensure that staff, both locally resident or being recruited from off-Island, are able to secure suitable and affordable accommodation. I will say it again we need to ensure that staff, both locally resident or being recruited from off-Island are able to secure suitable and affordable accommodation. It is a challenge which affects permanent staff and agency staff alike, and it is especially frustrating when we have permanent staff willing to come and work here who cannot, simply because they cannot find suitable accommodation.

It is a challenge brought to the Committee by our Corporate Management Team on a regular basis as it very much impedes service delivery across the organisation. We have narrowed in previously on the financial effects of staffing challenges on our ability to remain within the annual revenue budget allocation, which continues to be strained by accommodation pressures, but I cannot emphasise strongly enough that the absence of suitable accommodation and its impact for HSC remains one of our greatest strategic challenges.

It impacts on our ability to offer core, essential services that our community relies on; it adversely affects the quality and continuity of care we are able to provide; it means we cannot work as efficiently and effectively as we would like, and it also affects the morale of our staff, how they feel about working on the Island. It also means we put more pressure on the Local Market than we need to in providing that care to locals.

Please continue to support the provision of additional key worker housing units and expedite where possible the development of sites already identified. This will be crucial in ensuring that our essential services can be delivered safely, effectively and efficiently And provide accommodation to residents. I did say, when taking up this role, or in my pitch to take up this role, that I will need your help to fulfil the role. This is one area where you could really help HSC.

I would now like to move on to focus on some of our key pieces of policy work. Last week, States' Members were welcomed to a presentation on an evaluation on the funding of drugs and treatments, or NICE drugs, and also a presentation from Public Health as to ideas to support healthier lives.

Solutions for Public Health shared the findings of its work with States' Members, which reviewed the implementation of additional drugs and treatments and presenting possible options for the future. CareWatch also presented feedback on service-user experience. This is a complex topic, and I will not be able to do justice to this during my Statement today.

885 However, the Committee will be further discussing the findings of the review and the potential policy options before reporting back to the States. At this stage, I expect the Committee will bring a range of options for debate.

890 However, just as important and it goes hand in hand with extending any drug provision, is to consider the potential of investment and activities that would support people to live healthier lives for longer, which we know will ease pressures down the line. By helping to mitigate future expenditure which is coming, like it or not. There is a question of how you fund care but the demand is coming, in fact it has arrived on my watch. So work is underway, with the support of Public Health and the Health Improvement Commission, to identify further ways that we can enhance and further protect health before it reaches our Hospital.

895 I hope that those States' Members who were able to attend this presentation left with a greater recognition of the role that we each play, as Deputies, within the Committee's mandates, in fostering an environment for health. This is a matter for all of us.

900 With this in mind, the Committee is pleased to bring recommendations to ban smoking in vehicles carrying children and the commercial growing of tobacco, and to create a regulatory framework for vapes through a new enabling law, which we will discuss shortly. Again, all part of the plan and another building block and embodied in the Partnership of Purpose.

Thank you, sir.

905 **The Bailiff:** Well, Members of the States, there is a chance to ask questions on the mandate of the Committee. I start with Deputy Inder.

**Deputy Inder:** Sir, on 9th May of this year, ITV reported that there were 40 spare beds available in the private sector. One in six beds were unoccupied. And the Needs Assessment Panel was singled out as effectively the bottleneck.

910 If this is true then there are a number of problems, aren't there? There are probably people in hospital bed blocking because they cannot be moved out into the residential sector, and I wonder if Health had seen that report and whether, if I shared it with them, they would give us some indication of where the accuracy is? Because if we have got 40 beds available in the residential sector, there is clearly an impact on people who are staying far longer in the Hospital and taking up spaces probably needed for other types of operations and care and I wonder, if Deputy Brouard cannot respond today, I am happy to share that link with him and if he could give us a formal response at some point on the truth or accuracy of that ITV report, I would be interested.

Thank you.

920 **The Bailiff:** Deputy Brouard to reply, please.

**Deputy Brouard:** Thank you, sir.

925 Again, almost like in the last set of questions, Deputy Inder is like the curate's egg. He is right in parts. But please do not take the whole of the ITV report as read by Deputy Inder. The Needs Assessment Panel meets weekly. There is no real blockage there. What sometimes happens, and it is great, is that people try and make sure that they have their infirm relative in the right place. Sometimes they do not want to pay an extra top up. Sometimes they are waiting for a States' rates bed. Sometimes they do not want to take their relative home and look after them there because they want to have them in a different environment.

930 So there are a lot of factors at play at any given time as to why someone is moved. Some patients will need a specialist type of nursing bed, which may or may not be available. They may not be able to afford the top up that goes with it. So it is quite complex. We have recently, I have had a note from our director in that area about the specific issue that was raised. Some of the care homes, also, it is fluctuating day to day. Sometimes they have space, sometimes they do not. Sometimes they do not have the staff themselves to be able to open up all their beds. That is the issue as well.

I am happy to revisit and pass on further information to Deputy Inder but it is not quite all that it seems and we are very keen to move people out from Hospital into the appropriate setting, whether that is home or into residential care or nursing care.

940       **The Bailiff:** Deputy Gabriel.

**Deputy Gabriel:** Thank you, sir. I thank the President for his update.

Despite urgent measures last year, including weekend clinics by Medinet, what actual plans do HSC have to reduce the gastroenterology waiting list?

945       Thank you.

**The Bailiff:** Deputy Brouard.

**Deputy Brouard:** Thank you for that question.

950       We have very regular discussions on our waiting list. We are just behind the curve all the time, unfortunately. The numbers coming through we are not able to match. It is only by a very small margin at the moment. A matter of five or six, or one or two, but if you are that one or two, it makes a real impact.

955       There is of course considerable turnover. It is not the same person waiting for a very long time. There are people who will be coming through quicker, especially if it is an urgent case. We are looking at some different areas for increasing it but the gastroenterology one, we used some funds, which we got from P&R, we will be seeking some further funds for some other enterprises. But at the moment I do not think there are any plans to do any extra on gastroenterology.

960       **The Bailiff:** Deputy Burford.

**Deputy Burford:** Thank you, sir.

965       I would like to ask the President why, when he was eventually informed by senior staff within his Committee, after some 10 months, of the significant potential cost increases on the Hospital Modernisation Programme, he did not communicate this information immediately to politicians or the Policy & Resources Committee, given their mandate for the overall capital portfolio and for resources generally?

Thank you.

970       **The Bailiff:** Deputy Brouard.

**Deputy Brouard:** Thank you.

975       I think this particular issue has been discussed quite fully and I think Deputies have been appraised both by myself with statements, by questioning and of course we had the presentation from staff, where all questions could be asked in a very candid way at the Cotils. When we knew as HSC, which I think was 19th December, we were also aware that senior members of the Civil Service also knew. So they would feed back through their normal channels as they would. I have got nothing else I can add, I do not think.

980       **The Bailiff:** Deputy Dyke.

**Deputy Dyke:** Thank you, sir, and I thank Deputy Brouard for his presentation.

985       I think it is fair to say that one of our most serious urgent issues, he has touched on it, is the question of nursing accommodation, which makes it very difficult to recruit and can be inefficient in terms of the turnover, etc. Can he tell me what plans Health are putting together for more nursing accommodation on the sites immediately adjacent to the Hospital? Because there are quite a few sites we own there, there are some other empty sites there. I know he has got the small Oberlands



development and there is the possibility of the Grey Manor assisting, but I think on site is probably where nursing mostly needs to be and in the context of another issue arising out of being unable to get people out of the Hospital because there is nowhere to put them, are there any plans to –?

**The Bailiff:** Deputy Dyke, the time for asking questions has expired, so Deputy Brouard to reply, please.

**Deputy Brouard:** Thank you, sir, and I thank Deputy Dyke for that question.

We have tried everything we could to move to get nursing accommodation on the site. We have been advised categorically by our staff from about three years back that another John Henry Court on the site would be absolutely ideal. When we asked where to put it, we were advised to put it on the field, and then thanks to Deputy Falla's Requête, that put that into the long grass and I have the list of the people who voted for that and I am still seething from today because that would have been a real, good opportunity, to put accommodation where we need it and take the pressure off the Local Market so we are not interfering elsewhere.

However, we are where we are, thank you for that Requête, so we are hopefully going to be relying on the Flying Dutchman or the Braye Lodge and also the Channel Islands Tyre sites, which are close by. But you are absolutely right, I would love to have some more accommodation on-site and release some of these other places into the Local Market for our local residents as well. But do not forget, staff who come here to work, as a permanent member of staff, they are our residents as well. They become part of our community and they are the ones that will be treating you and your families.

Thank you.

**The Bailiff:** Deputy Meerveld.

**Deputy Meerveld:** Thank you, sir, and I thank Deputy Brouard for his update.

But I have a concern about his comments regarding the project boards. I am happy to see that finally the Committee is appointing Members to project boards after the £30 million overspend fiasco. But I have been sitting on project boards since I first joined the States in 2016 and thought that they were an extremely valuable way for Deputies to monitor and challenge projects as they were progressing and consider them standard procedure for the States.

I am alarmed that the Committee is now commissioning a governance review to look into why they should have Members on those boards and would like Deputy Brouard to give me an explanation.

Thank you, sir.

**The Bailiff:** Deputy Brouard.

**Deputy Brouard:** Thank you, Deputy Meerveld.

Those are very, I think, probably unhelpful comments but I will deal with them as best as I can. It is not an overspend. We are spec-ing out the cost of a Hospital after COVID and after the Ukraine War and all the inflation figures that we have had since. It is all part of the process. Has anybody here ever started off with a home improvement project that they thought would cost X? Has anybody then found out it was cheaper when they actually finished it? Okay, two of you. There we are, the rest of you ... *[Inaudible]*

It is not a fiasco. It was very unfortunate that the staff members did not pass that information on earlier and my apologies for that. But it is not an overspend. It is part of the process. That is what was identified as we went through the various things and it is not us that have asked for a governance review, it is P&R through the head of the Civil Service that is doing this governance review to see what is best, because there are different schools of thought.

1040 Some people think that it is absolutely essential that we are right into the weeds. Other people think we should actually be doing the policy and relying on professionals who are the property experts. We are awaiting the review but I do refute some of those comments from Deputy Meerveld. Thank you, sir.

1045 **The Bailiff:** Deputy Dudley-Owen.

**Deputy Dudley-Owen:** Thank you, sir.

1050 Can the President tell us about the post-natal depression support that is available for women locally and what the current rate of post-natal depression is in the Island? I fully expect that the second part of the question, about the rates, he will not be able to answer straight away, but if he could follow-up with an email that would be helpful, thank you.

**The Bailiff:** Deputy Brouard.

**Deputy Brouard:** Thank you, sir.

1055 I am sorry I did not even catch the first bit of the question.

**The Bailiff:** Could you repeat it please, Deputy Dudley-Owen?

1060 **Deputy Dudley-Owen:** Yes. Can the President tell us about the post-natal depression support that is available for women and their families locally, and also what the current rate of post-natal depression is? I expect that the second part of the question, he will have to revert to States' Members later, after the Q&A session.

1065 **The Bailiff:** Deputy Brouard.

**Deputy Brouard:** Thank you for the question. Had I been pre-advised, I could have advised you. I will take the easy route and say we will come back to you on both parts of the question. Thank you.

1070 **The Bailiff:** Deputy Queripel.

1075 **Deputy Queripel:** Sir, the cover-up of the infected blood issue in the UK has been front page news this week. Can the President please tell me what HSC are doing to support Islanders who had infected blood administered back in the 1970s and 1980s and are now having to endure the horrors of being victims of that action?

**The Bailiff:** Deputy Brouard.

**Deputy Brouard:** Thank you for that question.

1080 Indeed that was a real scandal. I understand there are about five to 10 people locally who are infected and they are being supported by Public Health as they go through. We have also been in liaison with Policy & Resources, through their External Relations team, and they are working with the UK government at how we can piggy back for our residents to make sure that they are supported through this. I do not think I can add anything further at this time.

1085 Thank you.

**The Bailiff:** Deputy Blin.

**Deputy Blin:** Thank you, sir.

1090 If I may ask of the President, given the fact that there is a lot of hope and strength now in the  
Domaine des Moulins, Oberlands and opportunities for accommodation for nurses and other  
workers, and good accommodation at that, would the President be in support of the reduction or  
the removal of the various allowances that are being given, importantly given to nursing staff, for  
1095 example, towards helping with accommodation? I think initially it was over two years, then it was  
extended to four years, as they will be having far better accommodation, and allowing them some  
equality to the local nurses who do not get the same subsidies and benefits?

Thank you

**The Bailiff:** Deputy Brouard.

1100

**Deputy Brouard:** Thank you for the question.

I think at a top level, if we are able to have suitable, affordable accommodation on-Island for  
nurses or professionals who come over here to work and for locals then there will be less of a need  
for any of the interventions and I know ESS are looking at those issues. We are quite a long way  
1105 away from that and one of the issues we had was that we had a churn because after the rent  
allowance stopped, people were going away, and then we were employing somebody else back in  
to fill that space again for two years. So by extending the rent allowance we were able to get that  
continuity, which all goes down to efficiency, which means that we can have a better chance of  
teams working together because they know each other.

1110 But you are absolutely right. If we are able to crack this nut and be able to provide suitable  
accommodation both for Islanders and those people who are coming to join us as Islanders, then  
obviously the rates of support that we need to give ... But do not forget, a lot of people in the  
nursing and the caring profession are not on very high salaries and the rental market over here and  
the property market over here is very expensive. That will always be a mish-mash until we can  
1115 increase the rates that we pay and that of course falls to another Committee.

Thank you.

**The Bailiff:** Deputy Moakes.

1120 **Deputy Moakes:** Thank you, sir.

Jobs and housing, as most of you know, are two of my favourite subjects, so I am delighted that  
Deputy Brouard has mentioned both of them in his speech. I said way back when that housing  
should be prioritised over phase two. Why? I will ask Deputy Brouard two questions. How many  
open positions does he have today and how many open positions will there be when phase two is  
1125 completed?

I think it makes sense to build the housing first, so we can fill existing roles, as well as the new  
ones that phase two will require. If we do not, does Deputy Brouard agree with me that we will end  
up with a shiny new, very expensive Hospital and nowhere near enough staff to fill it?

Thank you.

1130

**The Bailiff:** Deputy Brouard.

**Deputy Brouard:** Thank you.

The two items, unfortunately, I wish we could separate them, go hand in hand. We need to  
1135 increase the capacity at the Hospital. We have got our theatres running flat out. I would like to run  
them into the evenings. But in order to do that I will need staff and those staff will need  
accommodation.

The two pieces of the jigsaw are both basically essential. I have got a chart here. I am happy to  
share it with Deputy Moakes in the break. We are showing vacancies of, let us see, for March we  
1140 have got an agency head count of 162. We would love to reduce that down and change that to a  
permanent staff and we are looking, I am going to try and do the maths in my head, probably at

around about 300-400 vacancies, which are being covered by agency or being covered by bank staff or people doing overtime or some services just under real pressure and I do not think that is right.

1145 Thank you.

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Thank you, sir.

1150 I am not sure why Deputy Brouard is still seething about the Requête because I should probably remind him it effectively lost. What has really held that project back is the fact that the case could not be made in terms of the planning application and it would have taken much longer. So ESS has been supporting HSC by focusing on the delivery of sites that will deliver about 120 units of key worker housing for staff at the PEH much more quickly.

1155 However, Deputy Brouard did say, quite rightly, that these permanent staff are part of the community and that is all the more reason they should not be housed on the PEH site. A John Henry Court style housing is suitable for agency staff only so can he please assure me building on what he just said that there is a specific focus on reducing the dependence on agency staff in favour of permanent staff who should be provided with housing that is actually in the communities not at their place of work? This question is really about a policy on reducing agency –

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**The Bailiff:** Time is up, Deputy de Sausmarez.

Deputy Brouard to reply, please.

1165 **Deputy Brouard:** We would love to have permanent staff rather than using agency, although agency are fantastic because without them we would be in serious trouble. I listened to Deputy de Sausmarez but she is completely missing the point. Completely missing the point. We have permanent staff who come here and they like to live on-site. (**A Member:** Hear, hear.) They are here for three or four years and then they move on. John Henry Court, again, it is a shame that the evidence is different to what you would like it to be, but it is not.

1170

We have got John Henry Court, and do not hold me to the exact figures, it is something like 66 units. Of those, recently when we looked, six of them were being used by agency staff and the rest by permanent staff who are working night and day to keep our Hospital going and that is where they prefer to be. I know you may not get it and I know it does not help with the family and the dog and the car and the boat but for some people they like to work here for a few years being permanent staff, live on site, live as cheaply as possible, put some money away and then they move on to Dubai, or Jersey or wherever.

1175

Please can you get that across? We are not trying to build for agency. If I hear it one more time, I am going to bring a code of conduct.

1180

**Several Members:** Ahh.

**The Bailiff:** We will just take a pause for a moment.

1185 Deputy Brouard, you will realise that what happens in the Assembly cannot be the subject to a code of conduct, so just to highlight that particular point. (*Laughter*)

The 20 minutes of questioning to the President has expired but I am going to do as I did before, which is to extend the time, because it is only fair, and therefore I will call Deputy Kazantseva-Miller next.

1190 **Deputy Kazantseva-Miller:** Sir, Public Health used to publish data on birth by C-section and natural birth and other variations of birth. The President has helpfully clarified in his answers to my Rule 14 questions that this data is still being collected for internal monitoring purposes. One of the concerns displayed in publishing this data is that this data could lead to personal identification.

1195 Given that we have about 550 births per year, would the President agree that this data remains of public interest and commits that this data should continue to be published in a way that does not lead to personal identification?

Thank you.

**The Bailiff:** Deputy Brouard.

1200

**Deputy Brouard:** Thank you.

Apologies for the code of conduct. I will have to find another way of doing it. *(Laughter)*

1205 Going back to Deputy Kazantseva-Miller's question, we will take it to the board and ask them whether or not we should publish. The advice so far has been it is not one that is regularly published but if there is no reason why we should not, I have got no problem in revisiting that.

When you say it is of public interest, I have been President for three years now, this is the first time anyone has ever asked me for that particular piece of data. So I do not know how widely that is needed to be known. There is a lot of information that is given. There was a charity that helps mothers go through birth. There is also our maternity unit as well, which has lots of information.

1210 I am not precious over that particular figure and we will ask the Committee if they are happy to do it, so thank you for that question.

**The Bailiff:** Deputy Le Tissier.

1215 **Deputy Le Tissier:** Thank you, sir.

I would like to ask Deputy Brouard about the possible budget overspend on phase two. At the briefing held at Les Cotils recently, HR shut down all discussion on the staff involved, quite rightly. So I would like to ask Deputy Brouard, more in hope than expectation, that he might like to use parliamentary privilege to at least confirm how many staff were disciplined or have left the States and are they working for the States or States-owned companies at present?

1220

Thank you.

**The Bailiff:** Deputy Brouard.

1225 **Deputy Brouard:** I will answer part of it and the rest I am going to defer. The number of staff involved is less than the fingers on my hand. HSC is not responsible for staffing. That falls to my colleagues on P&R and they can advise what facilities or what arrangements were made. Unfortunately, on legal advice, I am not in a position to answer that question. But I do appreciate where it is coming from.

1230

Thank you.

**The Bailiff:** Deputy Fairclough.

**Deputy Fairclough:** Thank you, sir.

1235 Picking up on Deputy Burford's question earlier and Deputy Brouard's response to it, just to be clear, when you and your Committee were eventually informed by senior staff of the significant potential cost increases on the Hospital Modernisation project in late December, are you saying that because senior members of P&R staff were also aware of that information that you did not feel the need to communicate it to politicians on the senior Committee?

1240

**The Bailiff:** Deputy Brouard.

**Deputy Brouard:** At the time of us finding out this particular bit of information just before Christmas on 19th December, the staff had not yet finalised whether or not there was a possible increase in costs. So it would be premature to have advised politicians at that stage whether or not

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there was going to be perhaps a potential push on the envelope for the Hospital Modernisation. But of course we were aware soon afterwards, I believe, I cannot remember the timeline exactly off the top of my head, that our senior staff were speaking to Policy & Resources' senior staff as was released recently in the questions from Rule 14 from Deputy St Pier. So I have got nothing further I can add.

Thank you.

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Thank you.

Going back to the very beginning of this interesting Statement that I thank you for, there was reference made to moving forward on Partnership of Purpose, which hopefully might include also Care Passports and community hubs and so on. I know COVID has been an issue but it has been like four years. Will the HSC board be in a position to report back to the Assembly, perhaps by the end of the year, on how you are transforming the theory of Partnership of Purpose, etc, into good practice, both clinical, and to quote Deputy Vermeulen, efficiencies as well?

**The Bailiff:** Deputy Brouard.

**Deputy Brouard:** I am happy to bring that up in my next speech to the Assembly but all the things I have mentioned today are all part of the Partnership of Purpose. These are the actual building blocks. These are real things. We need to have the Hospital extended so we can cope. We need to have the Hospital extended so that we can basically recruit staff because staff want to work in a nice hospital where practices are safe. We want to have safe birthing where we have got the maternity suite on the same level as the theatres.

All these things, all part of the Partnership of Purpose. It is working together with our partners in the MSG, with the ambulance services. If you bring on the EPR system and you bring it onto the next level, probably long after I have gone, ambulances will be able to have all your records on an iPad, so that they will decide whether granny comes into hospital or not because they will know what medication she is on.

All those things are all part of it. It is a journey and we are well embedded on it. I am just not very good at making a lot of noise about strategies, I am one of those who likes to get my hands dirty and actually make something. But happy to continue to update Members.

**The Bailiff:** Deputy Haskins.

**Deputy Haskins:** Thank you, sir.

This actually falls out of a States' Resolution that we have. Can I ask the Committee what work has been done and what conversations has the Committee had with P&R since the last debate, regarding the potential implementation of a compulsory health insurance scheme for those moving to the Island under licence? Any update would be appreciated, even if it is from just HSC's point of view.

Thank you.

**The Bailiff:** Deputy Brouard.

**Deputy Brouard:** Yes, thank you for that question. I am very keen to explore that, especially for people coming to the Island late in life and I think that has been looked at. It was raised in the last States' Meeting by Alderney Representative Snowden. It has been raised at the Presidents to Presidents meeting but I think there are some difficulties with regard to equity and fairness. I believe it is in front of P&R and maybe they are able to respond by asking me a question.

Thank you.

**The Bailiff:** Deputy Falla.

1300 **Deputy Falla:** Thank you, sir, and I thank the President for his update and for the mentions in despatches.

Could I please ask him what has become of the Primary Care Working Group? I am actually a member of that group but we have not met since 2022 in my recollection. Is this a workstream that we are intending to pick up again?

1305

**The Bailiff:** Deputy Brouard.

**Deputy Brouard:** Thank you for that question.

1310 It is one of those frustrations. The staffing for that, because we have, as most Committees, a very small team who manage the policy and political side of us. The resources came from the centre to run this. Unfortunately, they were then taken away. Also, the workstream on the primary care review was starting to narrow down that rather than being a very large review, it was starting to focus more on the grant to doctors and nurses, so it was more of how we can make better use of that.

1315 Unfortunately, those resources have not come forward from the centre, so we are slightly in limbo on that, which is unfortunate, because I think we could probably use that money better, but there will be some tears from those who may not have those funds. Those were those very difficult decisions that we all like somebody else to make but unfortunately it will be for us and it will be for this Assembly eventually to make those decisions, whether or not the grant is an effective use of those funds.

1320 Thank you.

**The Bailiff:** Deputy Burford.

**Deputy Burford:** Thank you, sir.

1325 Could the President please confirm the current Caesarean section rate and also, given that it is the policy of Health & Social Care to support maternal choice in birth and that therefore Caesarean sections are available to women on no medical reason, does the Committee think that it is time to reconsider, in support of choice, home births on a best endeavours basis?

Thank you.

1330

**The Bailiff:** Deputy Brouard.

1335 **Deputy Brouard:** I will take that last piece first. Home births do come with risks and we have seen that recently over the last 20 years, where home births have happened and things have not gone quite according to plan and we have then had some very tragic situations where staff have worked very hard to recover the position and it has not been tenable.

1340 Home births are for us, on best endeavours, it just puts too much pressure on staff to be available. We also would need a larger cohort of staff and, again, if we are trying to be efficient, then it is better for us to have those births done in our Hospital. There is still a risk. Life is not without risk. There is a risk in giving birth. It is a very low risk, especially if you have it in a modern hospital, but there still is a risk. Not everything always goes according to plan.

The Committee, as far as I am aware, has got no intentions of reintroducing home birth on an *ad hoc* basis. But of course, people are very free to choose to do that if they so wish, knowing the risks that unfortunately will accompany that.

1345 The second part is do I know the figure for the number of Caesarean operations as a percentage? I think I do but I am not prepared to mention it. I think it is 40 or very close to 40% but that is as close as I can get. In reply to Deputy Burford and picking up on Deputy Kazantseva-Miller's question, this will come to the board. We will have more information around the figures, what it means but I

think we are, as I think in answer to one of the questions, relying on NICE guidelines of how we project the position for mothers, who can have a choice.

Thank you, sir.

**The Bailiff:** Deputy Cameron.

**Deputy Cameron:** Thank you, sir.

Yesterday I spoke with two auxiliary nurses at St John's residential accommodation. They expressed concerns about their salaries not keeping up with the cost of living, making it challenging for them to remain in the profession. What measures are HSC taking to retain local nurses, particularly those working in auxiliary nursing?

Thank you.

**The Bailiff:** Deputy Brouard.

**Deputy Brouard:** Thank you.

From our point of view, we try and make it a warm and friendly atmosphere for staff to come and work for us. The level of remuneration is set by Policy & Resources team and they are well aware of the pressures on various areas of our society and how we value different professions. I am not in a position to speak on their behalf, I think Deputy Gollop was their representative for the pay, I am not sure who the new Member is. It is really addressed to them.

But I do sympathise. Especially if the wage is not particularly high but we do have very high costs of housing and it can make it very difficult. Hence my plea to help with housing. So thank you for the question.

**The Bailiff:** Deputy Inder.

**Deputy Inder:** Sir, I am going to use this word pillar, there are three pillars to the Partnership of Purpose. It seems to be hospital modernisation, tick-ish; electronic patient record, tick-ish, community service access. And in that and I remember talking about community hubs, family hubs, possibly Beau Séjour, effectively a lot of it was basically: do not eat chips, exercise a bit more, that kind of stuff. Yes, he is right, probably do not smoke, either. Keeping people out of hospital, easy access, all these great words that we ever hear. Has any of this third pillar actually been priced? Where is the hub going to be? How much is it going to cost and how many more staff are we going to need, and importantly how much more budget is Health going to need to implement pillar three, which is community services?

If Deputy Brouard does not have that figure now could he at least give us some consideration to respond, where are the community hubs going to be, who is going to pay for them and what does that mean in terms of a model budget going forward?

Thank you.

**The Bailiff:** Deputy Brouard.

**Deputy Brouard:** Thank you.

Again, I can probably answer part of the question. The children's and community hub is looking at Longue Rue in St Martin's. The budget for that and the build of that is with Policy & Resources. They will also have the opportunity to sell or repurpose existing buildings that we are in. It goes back to I think something Deputy Vermeulen asked earlier, we were able to do efficiencies, we will have people in the same place, mothers can come up to one place, access a multitude of services. If that is what we want.

The other bit is that our budget will continue to be under pressure while we have the moving demographics and if you want me to quantify that I think our finance director mentioned to us, we



have got a moving figure of about £4 million a year that we need to keep on covering. The alternative, that is for us. But if you want people to pay, someone has to pay. Either we have the service or we do not have the service. I would prefer that we have that service that we pay for by Government and we pay through taxes and charges, but if other people would like to go more privately and more insurance-based, that is a different thing.

1405

This is why I said at the very beginning, before you break what we have, make sure you have got a really good plan and a chequebook.

Thank you.

1410

**The Bailiff:** Deputy de Lisle.

**Deputy de Lisle:** Thank you, sir.

Many people are complaining about the cost of visiting the doctor or the nurse and denying themselves as a result of the availability of the primary care. Can I ask the question as to whether there is consideration being given to uplift, increase the grant of £12 and £6 to the doctor and nurse to facilitate people's admittance to that particular care?

1415

**The Bailiff:** Deputy Brouard.

1420

**Deputy Brouard:** Thank you.

There are three legs to seeing a doctor over here. We have very good access. You can see a doctor fairly quickly. We also have very good quality care from our doctors but the cost for some, as Deputy de Lisle highlights, can be an issue and, of course, if you are on Income Support we have support from the Government.

1425

What I find really hard to square is from Deputy de Lisle, he is one of the most avarice people to say that we must cut costs, we must not be increasing charges but then wants me now to increase a grant to somebody who may well be able to well afford the doctor and some of them who do not. So I am really struggling when someone asks me for more services but wants to pay less tax and I am really struggling to get my head around that.

1430

I do not think from the working party that we had that there is an indication that we wanted to increase the grant, it was more placing it into a different place so that more people could perhaps benefit rather than everybody because, touch wood, if I go to the doctor I do not worry too much about the £12 grant but for some people it is a real issue. You are absolutely right, Deputy de Lisle, so if we as a States want to increase taxes so we can pay that extra money, then that is fine by me. But I do struggle with the economics of wanting more services and paying less –

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**The Bailiff:** Deputy Brouard, your time for answering is up.

Last question, Deputy Vermeulen.

1440

**Deputy Vermeulen:** Thank you, sir.

Recently, the President drew to my attention the treatment for shingles and the cost of that, £100,000, and this particular medicine had been withdrawn. I do notice that in some other countries around the world, they inoculate the whole of their population for stuff like chicken pox and I did wonder if some form of preventative medicine, like this inoculation, was rolled out in Guernsey, could there actually be cost savings and efficiencies made with that type of approach? I am not an expert on medicine and I attended a two-and-a-half hour session with HSC, which was excellent, but I am by no means an expert. I just wondered what the President's viewpoint was on that?

1445

**The Bailiff:** Deputy Brouard.

1450

**Deputy Brouard:** Thank you.

Deputy Vermeulen is absolutely right. The doctor on our Committee, Dr Oswald, we had a discussion about the shingles vaccination and he said, absolutely take it, because getting shingles late in life can be absolutely devastating. So very much on cue, I cannot remember, I am so sorry Members, how we left it. I believe Public Health were looking at a programme but can I come back to you on that, Deputy Vermeulen?

It is a very important area and, yes, the more we can prevent or inoculate against, that just takes the pressure off us further down the line in the Hospital, so I will come back to States' Members on that one. And thank you all very much for your questions this morning, it has been interesting.

Thank you.

## Questions for Oral Answer

### COMMITTEE FOR HOME AFFAIRS

#### Legal costs arising out of litigation case – Freedom of Information exemption

**The Bailiff:** Members of the States, we will move now onto Questions for Oral Answer. The first set of questions to be posted by Deputy St Pier to the President of the Committee for Home Affairs. So your first question, please, Deputy St Pier.

**Deputy St Pier:** Thank you, sir and there is a preamble to both questions, which is in a decision dated 22nd April, following a request to release information relating to legal costs incurred in a case, the Freedom of Information Panel, said as follows:

In addition to the general public interest in transparency and accountability, the Panel consider that the prudent use of public funds, particularly where the amounts involved may be significant engages the overriding of the exemption.' The appeal is therefore upheld. The Panel's finding is that the information requested, namely the Legal Costs, should be released.

In light of this, first question, by whomever paid, what were the legal costs incurred with THB Solicitors in this case?

**The Bailiff:** And Deputy Prow, the President, to reply, please.

**Deputy Prow:** Thank you, sir.

The Committee does not know. Ferbrache & Farrell assisted the officers in defending the legal proceedings. If any costs were incurred by the officers with THB Solicitors, it is likely that they were incurred in relation to professional regulatory matters in respect of which the Committee was not privy. The Committee does not consider it appropriate to speculate further.

Thank you, sir.

**The Bailiff:** Supplementary, is it, Deputy St Pier?

**Deputy St Pier:** Yes, I have two supplementaries, sir. The first one of which is for the avoidance of doubt, is the President saying that those costs were not borne at public expense or is he saying that if they were incurred at public expense he cannot say exactly what the expenditure related to?

**The Bailiff:** Deputy Prow.

1490 **Deputy Prow:** Thank you, sir. I repeat, the Committee does not know. Police officers are  
statutorily independent and any matters where police officers need to seek advice from THB  
Solicitors, that is a matter for them.  
Thank you, sir.

1495 **The Bailiff:** Second supplementary, Deputy St Pier.

**Deputy St Pier:** Yes, sir, arising out of the original question but also out of that response, it is  
unknown whether the costs incurred with THB Solicitors were because of, or impacted in any way  
by reason of police officers in Guernsey being office holders rather than employees. However, in  
any event, does the President agree that the employment position is an anomaly compared to  
1500 forces elsewhere and it really does need resolution by changing the Law if necessary?

**The Bailiff:** Deputy Prow.

**Deputy Prow:** Thank you, sir.  
1505 I think the matter that Deputy St Pier raises is wider than the questions he has raised, which is  
by whoever paid what the legal costs through THB Solicitors in this case. I think the question of any  
review is a much wider consideration and that is the view of the Committee.  
Thank you, sir.

1510 **The Bailiff:** No one else has any supplementary questions, so your second question to the  
President, please, Deputy St Pier.

**Deputy St Pier:** Thank you, sir.  
Second question, by whomever paid, what were the legal costs incurred with Ferbrache & Farrell  
1515 in this case?

**The Bailiff:** And Deputy Prow to reply, please.

**Deputy Prow:** Thank you, sir.  
1520 The police officers entered into a contract of engagement with Ferbrache & Farrell. The costs  
incurred by the officers remains a confidential, contractual matter between them and the legal  
practice. Any public interest in legal costs must be limited to any costs supported by the States of  
Guernsey. The Committee were prepared to support the officers' costs, given their status as office  
holders rather than employees, which means that they were sued directly as they are not deemed  
1525 to be employed.

The Committee has already confirmed that the costs met by the States of Guernsey in this  
litigation, were £255,000. This figure comprised costs charged against the Committee budget of  
£5,000 and £2,500 paid from States' Insurance Deductible Fund. All other costs were recoverable  
from the States' corporate insurance arrangements. This information was shared in an open letter  
1530 to States' Members on 15th March 2024 and the relevant extracts subsequently published by *The  
Bailiwick Express*.  
Thank you, sir.

**The Bailiff:** Deputy Prow, did you mean to refer to £250,000 paid from the States' Insurance  
1535 Deductible Fund?

**Deputy Prow:** I apologise, sir. Well corrected, thank you, sir!

**The Bailiff:** Supplementary, Deputy St Pier.  
1540

**Deputy St Pier:** Yes, sir. Two supplementaries.

Given all the officers' costs were borne by the States, the States' Insurance Deductible Fund or the States' corporate insurance arrangements, will the Committee seek the officers' consent to waive legal professional privilege in order that the matter can be properly disclosed, as directed by the Freedom of Information Panel?

**The Bailiff:** Deputy Prow.

**Deputy Prow:** Thank you, sir.

I can confirm that the Committee, through senior officers, has asked those officers to consent to revealing those costs and that those officers are not minded to do so, seeking their exemption under legal privilege.

Thank you, sir.

**The Bailiff:** Second supplementary, Deputy St Pier.

**Deputy St Pier:** Sir, the second supplementary is: the President said all other costs were recoverable from the States' corporate insurance arrangements; does that include the £11,790 paid in full and final settlement to the plaintiffs, which of course was more than the original claims.

**The Bailiff:** Deputy Prow.

**Deputy Prow:** Thank you, sir.

I can only repeat what I have said in my answer already said to the question. The Committee has already confirmed that the costs met by the States of Guernsey in this litigation were £255,000. This figure comprising costs charged against the Committee in light of £5,000 and £250,000 paid from the States' Insurance Deductible Fund.

Thank you sir.

**The Bailiff:** Once again, I do not see any other Member rising to ask any supplementary question arising out of the second answer and therefore we will move onto the next set of questions, which are also by Deputy St Pier, this time to the States' Trading Supervisory Board and I am confident that the Vice-President will be able to answer.

## STATES' TRADING SUPERVISORY BOARD

### Costs and losses at Aurigny – Impact of disruption to services

**Deputy St Pier:** I am too, sir.

Having regard to the need for taxpayer funding to recapitalise Aurigny following accumulated losses, it is a matter of public interest to know the risk of further costs and losses arising from the current disruption to the Aurigny schedules. Approximately what additional costs have been or are being incurred – for example, daily, weekly, monthly – as a result of the disruption, delays and cancellations experienced by Aurigny since the beginning of the year?

Thank you, sir.

**The Bailiff:** I invite the Vice-President, Deputy Parkinson, to reply on behalf of the Board.

**Deputy Parkinson:** Thank you, sir.

The STSB has made it clear to Aurigny that the ongoing disruption is unacceptable and that recovery plans need to be put in place now, pending the arrival of two additional aircraft on long-term lease in Q3 of this year. Deputy Roffey previously circulated to Members a letter from Aurigny's Chairman that sets out the immediate steps being taken and met with him last Friday, to receive further reassurances.

Most of the disruption has taken place during the second quarter. We will receive management accounts for April and May at our next formal quarterly shareholder meeting with Aurigny in early June. Deputy Roffey has asked for an analysis of the net costs of disruption at that meeting. We will also discuss how best that information can be shared with States' Members and more widely.

The recapitalisation of Aurigny in 2021 has been followed by two years of robust financial performance by the airline at an operating level. As a result its cash position is strong and Aurigny does not anticipate having to call on the States for financial assistance in managing the current disruption.

Subject to that remaining the case, the STSB's guidance to Aurigny has been that it should put passenger interests ahead of financial ones when putting its short-term recovery plans in place.

**The Bailiff:** Thank you very much.  
Supplementary, Deputy St Pier?

**Deputy St Pier:** Yes, sir.

Unsurprisingly, I have two, sir. As we all know, hindsight of course is a wonderful thing but the plans for transition to more ATRs without the jet, whilst at the same time adding routes, do not appear or may not have had the resilience that was perhaps hoped for. My question, sir, is did the STSB robustly test and challenge the resilience of those plans before implementation or was that regarded as an operational issue?

**The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** Well, sir, I am not personally a member of the group of Members of STSB who supervise Aurigny so I do not take part in those discussions with management, although I do attend their AGM, etc. So I cannot honestly answer what level of challenge was provided. I do agree with Deputy St Pier that the plans for this transition were clearly not sufficiently robust and that Aurigny, with the benefit of hindsight, did not manage the transition with sufficient regard to security on the schedule.

**The Bailiff:** Second supplementary, Deputy St Pier.

**Deputy St Pier:** Yes, sir.

With regard to the short-term recovery plans that were announced yesterday, my family have flights booked in June, so I may have interest, I am not sure, in this supplementary question, irrespective of the strict contractual position, having regard to the reputational risk to the airline and the Island, will the STSB, as shareholder, encourage the airline to consider adopting a policy in respect of reasonable consequential costs incurred by passengers who find that their flights have been cancelled, re-routed or rescheduled?

**The Bailiff:** Deputy Parkinson to reply.

**Deputy Parkinson:** I think the STSB will certainly encourage Aurigny to give more credence to the schedule. Unfortunately, over this period, Aurigny have initially adopted a policy of getting passengers from A to B, come what may, without regard particularly, or with less regard to the schedule. But the reality is this has put many passengers at inconvenience and of course it shows that the Aurigny schedule was unsustainable, given the number of aircraft now available to it.

So we recognise that in reducing the number of services on Exeter, Liverpool and Birmingham, Aurigny is taking the right steps to make the schedule more robust.

**The Bailiff:** Supplementary, Deputy Vermeulen.

**Deputy Vermeulen:** Thank you, sir.

I thank the Vice-President for those answers. Unfortunately there are two points of correction, I think. You talk about Aurigny receiving new aircraft later in the year. Well, in fact, they are second-hand, they are not brand new aircraft at all but they might well be new to Aurigny, so they might be several years old.

Then you talked about the matter of disruption, most of it happening in the second quarter. That is entirely incorrect. I myself flew out at the end of December and there was pandemonium in Guernsey, at Guernsey Airport. The Airport was full of delays, emergency flights, recovery flights flown by Blue Islands, people being marched onto airlines and marched off, back into the terminal. It was pandemonium. And coming back, when I flew in January, it was not better. I actually ended up staying three nights of my 10-night break at Gatwick Airport.

So my question is how have we gone from having the best airline in 2019 to being the third worst airline in 2024?

**The Bailiff:** And that is your question, Deputy Vermeulen.

**Deputy Vermeulen:** That is my question.

**The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** Well, sir, as I have said, the present situation is clearly unacceptable and STSB has told Aurigny that in no uncertain terms. I agree that the period of disruption has started before the second quarter of this year and unfortunately will likely continue to some extent through the summer, perhaps into August or September, and this is partly to do with the transition of Aurigny away from the use of the jet. The jet will have to go in for a major service in June and it can only fly a limited number of hours between now and when it goes into service because it is only considered airworthy for a certain number of hours. That is why Aurigny have been using it sparingly.

But this transition has proven much more painful than any of us expected and actually just shows that during the transition the airline has been very vulnerable because if something goes wrong with any of their aircraft and one of the three ATRs that they own has been out of service, then it is very hard to cover for that lack of capacity.

**The Bailiff:** Supplementary question, Deputy Blin.

**Deputy Blin:** Thank you, sir.

Continuing on from that there was the question originally about approximately what are the additional costs and it was expressed that actually there will be an update with the next set. I fear that we may end up in a situation where the amount will be so high. I would like to get an understanding of what can you do about it, rather than just waiting for the cost to have that, and also the three months of one plane that has been damaged, why is there nothing on insurance or something else to get parts faster and quicker, to ensure that things come back into play?

Thank you, sir.

**The Bailiff:** Deputy Parkinson.

1690 **Deputy Parkinson:** Well, on the first part of Deputy Blin's question, I can give some indication of the scale of the cost. The cost of additional wet leasing is estimated to be in the region of £2 million but that is a gross cost because the wet leasing relieves Aurigny of some costs relating to its own planes so there are some cost savings that result from the wet leasing and the reason why we need to see the management accounts is we need to understand the net position. But the total gross costs anticipated for wet leasing are in the order of £2 million.

1695 On the availability of parts for the ATR that has been out of service, I do not know the details on that. Clearly there is a supply problem with that particular component and it has taken a long time to get hold of it but, as the Chairman of Aurigny has advised States' Members, it is expected that that plane will return to service in the first week of June.

1700 **The Bailiff:** Deputy Trott, supplementary.

**Deputy Trott:** Thank you, sir.

Aurigny has experienced a set of events that could not, in many cases, have been reasonably foreseen, such as the failure of a relationship with a third party operator, not of their doing, and the excursion of the runway by another. Does the Vice-President of the STSB agree with me that where there has been some failure is the inadequate coms over some of these issues and does he agree with me that it is extremely unlikely that the coms will not be of a much higher standard over the next few weeks.

1710 **The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** Certainly, communication could have been better and I do agree with the President of P&R that Aurigny has been extremely unlucky in the sense that a number of unrelated events have conspired to bring about the current parlous state of their service. But having said that, my personal view is that Aurigny knew that the jet would have to go out of service by June. They knew they could not lease in the two additional ATRs that they want to bring onto their own fleet until the autumn, August/October time, and so there was always going to be a gap when they would not have enough aircraft in their own fleet to run their schedule.

1720 They have been let down by a third party. They thought they had wet leasing arrangements in place to cover that but clearly the situation is they allowed themselves to get into a very vulnerable position that anything that went wrong with any of their very small fleet would likely cause damage to the schedule and as it happened one of the three ATRs that they owned did go wrong and is still out of service.

1725 I think personally that the management of Aurigny have questions to answer about how they allowed themselves to get into a situation where if anything did go wrong then they would be in trouble –

**The Bailiff:** Your time, Deputy Parkinson, to reply, has expired.  
Deputy Dyke.

1730 **Deputy Dyke:** Thank you, sir, and I thank Deputy Parkinson for answering the questions.

It is my understanding that during this difficult period, Aurigny have been chartering an Airbus A320 with a capacity of 180 seats but because of the inadequacy of our runway they have been running it with 30 passengers on board. Could Deputy Parkinson let me know how much that is costing to run 30 passengers to Dublin and does it give the STSB any cause to reflect on their total opposition to sorting out the end of our runway with EMAS, so that we had something decent to work with?

Thank you.

1740 **The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** I would dispute the allegation that STSB are totally opposed to extending the runway. Certainly, I am more open to that suggestion. Aurigny have indeed been wet leasing a Titan Airways Airbus A320 and I have flown on it. Very pleasant flight. It had many more than 30 passengers on it but it is certainly the case that an Airbus A320 cannot operate out of Guernsey fully loaded on the current length of the runway.

So the debate about the runway lengthening has been had. I think there are potential benefits to Guernsey beyond security in terms of lengthening the runway but it comes with a very substantial price ticked and the States has decided that it is not worth the money. Whether that is a wise decision or not, time will tell.

**The Bailiff:** Deputy Mahoney.

**Deputy Mahoney:** Thank you, sir.

Given these last few months, where the States is incurring substantial increased staff costs for keeping the Airport open sometimes as late as midnight, etc., could Deputy Parkinson please confirm whether those increased costs in overtime, staff costs, etc. will be passed on to Aurigny and paid out of their, what he described as, strong cash position, or is that going to be for the States, the taxpayer, to pick up, i.e. not appearing on Aurigny's balance sheet?

**The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** I think details like that have yet to be resolved. Obviously, *prima facie* the cost of extending hours at the Airport falls on the Ports. Whether we are able to charge Aurigny the costs of that increase, the overtime, etc. involved, remains to be seen. It is sort of wooden dollars, really, because of course it is one part of STSB charging another part of STSB and I think the reality is although Aurigny has been trading marginally profitably for the last two years at an operating level, I do not think there is an awful lot of capacity there to bear substantial extra costs.

**The Bailiff:** Alderney Representative Roberts.

**Alderney Representative Roberts:** Thank you, sir.

I have got the greatest respect for the current Aurigny management to deal with what they have got. I also hold confidence in the STSB handling of this matter. However, would the President not agree that the use of the Dornier aircraft to cover the ATR shortfall on regional routes impacts greatly on Alderney's service, bringing crew shortages, cancelled flights, medical charters at risk from non-operation. All these costs should be removed from the Alderney numbers because that large loss should not be billed to Alderney on its deficit.

Thank you.

**The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** I think Alderney Representative Roberts makes a good point. Clearly, again, it is far from an ideal situation that Dorniers are being used on regional routes like Gatwick to plug holes in the schedule and the cost of employing the Dorniers in that way, which I think is quite a rare occurrence but has occurred, should be removed when considering what the costs of operating services to Alderney may be.

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Deputy Parkinson has made reference to the cancellation or consolidation of the quieter routes, such as Liverpool, East Midlands, Exeter and maybe Bristol. But have the STSB in conjunction with Aurigny given consideration to the potential economic effects upon the Island at



the height of the summer of the loss of those services and therefore wish to restitute them as soon as possible, preferably before early July?

1795

**The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** Well, STSB agrees with the present view of the Aurigny management that what needs to happen is the schedules need to become more reliable and we agree with the management's decision that some services to Exeter, Liverpool and Birmingham will need to be cut in order to make the rest of the schedule more robust.

1800

It is obviously an unhappy situation. We do not want to see services reduced where they can be profitably operated but the reality is that given the capacity that is available to Aurigny now, it is better to make the rest of the route more reliable than to over-extend the Aurigny network and have delays on other services within the schedule.

1805

**The Bailiff:** Deputy Gabriel.

**Deputy Gabriel:** Thank you, sir.

1810

We have heard extensive coverage of the black swan event but unfortunately that seems to have bred into a number of cygnets and, as Deputy Parkinson said to us earlier, Aurigny putting passengers over routes, and we have heard about the consolidations, could he comment on whether putting passengers over routes should be the correct focus as shareholder and he has already commented that the £2 million wet lease gross cost, will that have an impact on Aurigny not relying on the States for recapitalisation or supporting their losses?

1815

Thank you.

**The Bailiff:** Deputy Parkinson.

1820

**Deputy Parkinson:** This year is obviously going to be financially very painful for Aurigny. They have said that they do not expect to have to come back to the States for more money but clearly they are going to be showing an operating loss for this year.

On the question of whether they should give priority to getting passengers from A to B or whether they should be prioritising making the schedule more reliable I agree with the present stance of the Aurigny management that they need to make the schedule more reliable. If passengers cannot be flown out of Exeter or Liverpool or Birmingham but they can be asked to move to Bristol, Manchester or East Midlands, then that is an inconvenience to them but it is one that I think we have to ask them to bear with in order to make the rest of the schedule more robust.

1825

1830

**The Bailiff:** Deputy Burford.

**Deputy Burford:** Thank you, sir.

Following on really from Deputy Mahoney's question, would Deputy Parkinson agree with me that in terms of the Airport staying open and overtime being occasioned by the disruptions in Aurigny's schedule, that online there is a scale of charges which is applied to any and all aircraft for Airport extensions, which is designed to cover those costs and Aurigny, notwithstanding the wooden dollars aspect of it, will be paying those charges, as would any other airline that took advantage of them?

1835

Thank you.

1840

**The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** Deputy Burford is more familiar with the operations of the Airport than I am and, yes, I accept her point that charges will be made to Aurigny. But I would also like to add that

1845 one consequence of making the schedule more robust is that there will be far less reliance on extensions at the Airport and we are already seeing that. The number of times that Aurigny is having to ask for Airport hours to be extended is reducing dramatically and hopefully will reduce to a minimal level going forward.

1850 **The Bailiff:** Deputy Le Tissier.

**Deputy Le Tissier:** Thank you, sir.

I would like to ask Deputy Parkinson about the Southampton route. Now it is a lifeline route and a lot of people use it for medical reasons, as I can testify. Over the past few weeks there has been any amount of cancellations and looking at the data it appears that most of the cancellations have been by Blue Islands, where they have a code share with Aurigny. Does the STSB have a view as to whether they still have confidence in Blue Islands to be a code share and if they have not discussed it will they raise that with Aurigny?

Thank you.

1860 **The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** Obviously, we have no control over what Blue Islands does and it may be that they are cancelling more flights than they used to for whatever reason. But the history to this is that there was an extensive price war on the Southampton route between Aurigny and Blue Island, which was costing both airlines a huge amount of money and the resolution of that price war, which resulted in sharing operations on the Southampton route, was only to be welcomed.

So I think what is happening now is more sensible than what was happening then. But whether Blue Islands are still considered a reliable partner in that co-operation I do not know. It is a question we can raise with Aurigny.

**The Bailiff:** Deputy Vermeulen.

**Deputy Vermeulen:** Thank you, sir.

1875 The States is pumping money into promoting finance, tourism and relocation opportunities, but our own States-owned airline cannot provide sustainable, reliable air links. Does this have a knock on effect at Guernsey Airport in a reduction in the number of passengers coming into Guernsey and does that impact on the taxpayer directly?

1880 **The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** Well Aurigny's punctuality record until the last six months or so has been pretty good. It has been regarded as one of the more reliable airlines in the British Isles. They have, I am afraid, somewhat mishandled, in my opinion, the transition from the jet to two ATRs and placed themselves in a position that was more vulnerable and, through sheer bad luck, that vulnerability has resulted in considerable disruption, unacceptable disruption during this year.

I think we can only hope that when the two ATRs are delivered and operating in the Aurigny fleet by October this year that those problems will be behind us. But we will have to wait and see. Whether that disruption has any long-term impact on the economy of Guernsey, I rather doubt because I think the public, after a year of reliable operations, will think of this as an episode that is behind us.

**Alderney Representative Roberts:** Thank you, sir.

1895 Would the Vice-President not agree that Alderney get these aircraft shortages all the time and are having to go on 12-seater boats? We have got empty hotels in Alderney, in Alderney Week, in August, top hotels, who cannot get here in January. Would he not agree that Alderney do suffer

this all the time and when Guernsey actually get it there is a lot of noise but nobody seems to take notice of me?

Thank you.

1900

**The Bailiff:** That is not a valid supplementary question because it does not arise out of the answer that was given to the original question.

**Alderney Representative Roberts:** Sorry, sir.

1905

**The Bailiff:** Deputy Le Tissier.

**Deputy Le Tissier:** Thank you, sir.

1910

I would like to ask about compensation and expenses for cancellations and disruptions. It clearly states on the Aurigny website that no claims will be paid for flights departing the Channel Islands. Now, I notice that it does not say anything about departing the UK, where Aurigny are liable under the UK 261 Regulation. But does STSB think it is fair that Guernsey residents being disrupted, cancelled, delayed, are not going to get paid any compensation whatsoever?

Thank you.

1915

**The Bailiff:** Once again that does not arise out of the answer given to the original question, I know there have been a lot of supplementary questions and people might have forgotten the original answer but it has to arise out of the original answer to the question that was posed. Anyone else? In that case, we will move onto a slightly different topic but the same person answering the questions.

1920

This time it is Deputy Gollop who has two questions to the Vice-President of the States' Trading Supervisory Board, so your first question please, Deputy Gollop.

## STATES' TRADING SUPERVISORY BOARD

### Electricity Strategy – Impact of associated roadworks

1925

**Deputy Gollop:** Thank you, sir, and thank you to Deputy Parkinson for being in a position to answer them. I will have two brief supplementaries on the first question.

I am sure we all appreciate the need to deliver the energy transition and implement the Island's Electricity Strategy and therefore the need for road closures. But does the STSB consider the closure of Doyle Road from 15th May to 30th October acceptable for the leisure, educational and commercial community, and will further long closures occur elsewhere?

1930

**The Bailiff:** And the Vice-President, Deputy Parkinson, to reply, please.

1935

**Deputy Parkinson:** Sir, the Electricity Strategy emphasised the importance of a robust, long-term network investment plan to support the energy transition, which inevitably will involve more road closures. However, it is in GEL's interest, operationally and financially, to optimise these essential works in terms of extent and duration, which will minimise any disruption caused. It will work proactively with traffic and highway services in the planning stages to achieve this.

1940

GEL has advised that the Doyle Road works involve replacing cables that are over 50 years old and no longer suitable for the level of current demand, or that expected in future. This is essential to maintaining a reliable electricity supply in the area. The unusual length of this closure is due to the complex nature of the work, which includes installing two new distribution pillars, laying around

1,200 metres of low and high voltage cable and upgrading electricity supplies to around 50 properties.

1945 A single lane closure was explored but was not possible as the only viable space for the new cabling is in the middle of the road. A series of shorter phases of work would involve repeated closures, which is inefficient and would take more time and cost overall. It would also involve more joining of cables, introducing greater risk of network failures in the years ahead.

Whilst the STSB very much regrets the disruption involved, it accepts GEL's justification for the works and the need for this unusually long road closure.

1950 **The Bailiff:** Members, I should explain that I have allowed slightly longer for the answer because Deputy Parkinson does not speak quite as quickly as Deputy Roffey would have done in those circumstances!

Supplementary question, Deputy Gollop.

1955 **Deputy Gollop:** Thank you. I do not want to speak too quickly, either.

The answers are technical and do not entirely explore new road closures but my first supplementary is that it states that a single lane closure was explored but was not possible as the only viable space for the new cabling is in the middle of the road. I am accused of being in the middle of the road but we will not go into that!

1960 My question is: couldn't a temporary pavement have been put on the left, east side of the road and therefore a highway could have continued, maybe, on one side, incorporating the current pavement as an alternative to complete closure?

1965 **The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** The short answer is I do not really know the answer to that question. I am sure that all the possible plans to deliver the new cable would have been explored and would have been fully consulted on and that GEL do not want to unnecessarily close roads where they have to do the work.

**The Bailiff:** Second supplementary, Deputy Gollop.

1975 **Deputy Gollop:** I accept, of course, the professional response that a series of shorter phases of work would involve repeated closures, which is inefficient and would take more time and cost overall and potentially involve more jointing of the cables at risk, but was the benefit of shorter phases considered as well, which would be more resources to move elsewhere and a relaxation, perhaps, of the closure, which has a particularly serious effect, maybe, on the tourism, hospitality and leisure sectors of our society in the summer months? Because effectively this is an entire season closure.

1980 **The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** I do not think the public would particularly welcome a whole series of shorter road closures. That would arguably be more disruptive than one long closure to complete the job in one go, but I am sure all of these options would have been considered when GEL was planning the work with the relevant authorities.

**The Bailiff:** Supplementary, Deputy Trott.

1990 **Deputy Trott:** Thank you, sir.

The Policy & Resources Committee wrote to Guernsey Electricity following concerns and received these remarks, 'Throughout the works we' – Guernsey Electricity – 'will be looking for

opportunities to reduce the duration by using extended hours and weekend working. However, this must be balanced against the noise impact on residents and be sustainable for our teams.'

1995 This seems to me to be an entirely reasonable response, would the Vice-President of the STSB agree with me?

**The Bailiff:** Deputy Parkinson, there is a spoiler for the next answer!

2000 **Deputy Parkinson:** Yes, Deputy Trott has potentially shortened my answer to the next question, but I do agree with him.

**The Bailiff:** Deputy Kazantseva-Miller.

2005 **Deputy Kazantseva-Miller:** With all these things, this is a matter of resources. The Vice-President said that Guernsey Electricity is supposed to support the energy transition and optimise the network upgrade. Signs from industry clearly show that GEL is not able to meet the demand of households and businesses to support the energy transition. Would the Vice-President agree that actually the capacity to accelerate the network upgrade needs to be significantly improved because  
2010 it simply does not look like five-and-a-half months for one road will actually get us anywhere for the rest of the Island with this rate of network upgrades?

Thank you.

**The Bailiff:** Deputy Parkinson.

2015

**Deputy Parkinson:** It is certainly true that the on-Island network does need to be reinforced and that major investments are being made to that end, for example we know that there is a shortage of supply of power to the south-east of the Island and the installation of new, very robust mains services to a new substation on the PEH site will eventually result in the availability of more  
2020 power in the south-east of the Island.

It is also true that Guernsey has to be prepared to invest significant amounts, probably significantly more amounts than GEL can afford, in reinforcing the network as we move into the energy transition. These are long-term problems, with which this and future States will have to grapple.

2025

**The Bailiff:** Your second question to the Vice-President, please, Deputy Gollop.

**Deputy Gollop:** Thank you.

2030 Will the STSB encourage Guernsey Electricity to accelerate the essential works in Doyle Road by perhaps utilising different working patterns to support the community connectivity and minimise potential business losses?

**The Bailiff:** Deputy Parkinson to reply, please.

2035 **Deputy Parkinson:** Sir, GEL has advised that every effort is being made to reduce the length of this project where feasible and minimise the potential for disruption to local businesses. As work progresses, it will be looking for opportunities to reduce its duration, using extended hours and weekend working but that must be balanced against the noise impact on residents and must be sustainable for its staff, as Deputy Trott has read out.

2040 Access will be maintained for residents and local businesses throughout the works, with signage clearly indicating access routes for traffic, supplemented by regular updates GEL is providing through the news and social media. GEL has assured the STSB that it is very conscious of the impact such work can have on businesses. It engaged closely with Doyle Motors before this work, including two site visits and regular correspondence by telephone and email.

2045 This engagement will continue throughout the project. GEL will also continue working with Traffic and Highways Services to improve signage on the route, if and where needed. The STSB will of course encourage GEL to continue with its efforts to reduce the length of the closure and minimise disruption for residents and businesses.

2050 **The Bailiff:** Supplementary question, Deputy Gollop.

**Deputy Gollop:** I agree with the attitude of the Chief Minister, perhaps, Deputy Trott, in wanting a convenient solution. So I say that when the reply talks of a balance against the noise impact on residents and must be sustainable to start, is there not a third person or entity in that equation which are businesses that could be adversely affected in the area?

**The Bailiff:** Deputy Parkinson.

2060 **Deputy Parkinson:** I have explained that GEL liaised closely with the businesses in the Doyle Road area before and during these works and continue to liaise with them. Obviously, we are all conscious of the impact on businesses as well as residents in the area.

**The Bailiff:** Second supplementary, Deputy Gollop.

2065 **Deputy Gollop:** Bearing in mind this is not the only major roadworks ... *[Inaudible]* being others, and so on, emerging out of these answers, will the STSB be working with GEL to look to solutions whereby they might be able to increase the capacity of their ability to implement the strategies, as outlined by Deputy Kazantseva-Miller earlier?

2070 **The Bailiff:** Deputy Parkinson.

2075 **Deputy Parkinson:** GEL has ambitious plans to strengthen the on-Island network. I have mentioned the very important new connection to a substation on the Princess Elizabeth Hospital site, which will allow further reinforcement of the supply in areas like Fort George, where it is currently very limited.

2080 But GEL is all too well aware, and all States' Members need to be well aware, that the Island infrastructure, on-Island network, will need to be substantially reinforced for the Electricity Strategy to be delivered. This is going to involve not only a lot of disruption but also a lot of money, probably beyond GEL's capacity to finance it and this will be ongoing for many years. So this is a nettle that the States will have to grasp if the Electricity Strategy is to be delivered.

**RULE 12 –  
URGENT QUESTION**

**POLICY & RESOURCES COMMITTEE**

**Costs of Hospital Modernisation Programme –  
Conduct of officers**

**The Bailiff:** As I do not see anyone else rising, what we will now do is take the question pursuant to Rule 12, a so-called Urgent Question, that is to be posed by Deputy Gabriel to the Policy & Resources Committee.

2085        So your question please, Deputy Gabriel.

**Deputy Gabriel:** Thank you, sir.

There is a short preamble, which I will read out before the question.

2090        Through the Committee's responses last week to Rule 14 questions, it has become clear that neither the Committee or its predecessor Committee were advised for three and a half months between November 2023 and 13th February 2024, as they should have been, by a limited number of senior officers, of key information in the management of phase two of the Our Hospital Modernisation Programme, of particular political significance in view of the Government Work Plan debate in January.

2095        In light of this, does the Committee take the view that the comment previously made by the Head of the Public Service that the conduct of a number of officers associated with the OHM programme fell significantly short of required standards, applies equally to the 'limited number of senior officers' who advise the Policy & Resources Committee?

Thank you.

2100

**The Bailiff:** I invite the President, Deputy Trott, to reply, please.

**Deputy Trott:** Sir, thank you.

2105        The Head of the Public Service has previously advised the Scrutiny Management Committee that he has commissioned an independent review into governance considerations associated with the Hospital Modernisation Programme and wider capital programmes. The terms of reference for this work have been shared with the Committee and the Head of the Public Service has confirmed his intention to publish as much of the review as possible, subject to any redactions necessary to comply with data protection legislation.

2110        The Policy & Resources Committee would not wish to interfere with this ongoing and independent review. However, once we are in possession of the final report the Committee will consider whether it is appropriate to make a statement to the Assembly.

Thank you, sir.

2115        **The Bailiff:** Supplementary question, Deputy Gabriel.

**Deputy Gabriel:** Just one, sir.

Is there a timeline on the delivery of this report and potential debate by the Assembly?

Thank you.

2120

**The Bailiff:** Deputy Trott.

**Deputy Trott:** Sir, there is, and I consider that to be an entirely legitimate question. We have been advised by the Head of the Public Service that he anticipates receiving the report next month.

2125

**The Bailiff:** Deputy Taylor, supplementary.

**Deputy Taylor:** Thank you, sir.

2130 In the response to Deputy Gabriel's question, Deputy Trott referred to an independent review of  
Our Hospital Modernisation Programme and the wider capital portfolio, so sir, I am wondering, as  
part of that review, will it be looking at the comments that I brought to the attention of the Policy  
& Resources Committee last month, over a month ago, in submitting Rule 11 questions regarding  
comments made by Omnibus Investment Holdings and Mr Charles McHugh, relating to alleged  
2135 comments said by officers of P&R claiming that due diligence checks were not being required? Will  
that be covered in this independent review that is being carried out?

**The Bailiff:** Deputy Trott.

2140 **Deputy Trott:** Under the Rules pertaining to Rule 12 questions, I decline to answer the question  
as in my opinion any answer given might be inaccurate in the absence of the receipt of the  
independent report referred to in my earlier answer. And that, sir, is a classic example of a question  
that had I received advance notice of, I would have been able to answer.

2145 **The Bailiff:** But there is a requirement, also, in accordance with Rule 12(5)d, that you will, no  
later than five days clear days, provide an answer to that. So you will take it away and let Deputy  
Taylor know and perhaps copy other Members.

2150 **Deputy Trott:** I am well aware of the extra information associated with that Rule, sir, but as you  
know, as Presiding Officer, it is inappropriate for me to comment as an individual. I shall seek the  
Committee's advice, and legal advice, before responding in the appropriate manner.

**The Bailiff:** Deputy Mahoney.

**Deputy Mahoney:** Thank you, sir.

2155 Given that a limited number of senior officers, just reading from there, knew about this, can the  
President confirm that the Head of Public Service and the States' Treasurer were two of those  
members of the SLT that deliberately withheld information from P&R?

**The Bailiff:** Deputy Trott.

2160 **Deputy Trott:** Sir, the Policy & Resources Committee would not wish to interfere with this  
ongoing and independent review. However, once we are in possession of the final report, my  
Committee will consider whether it is appropriate to make a statement to the Assembly. I would  
consider that questions such as those would be addressed at that time, based on facts.  
2165

**The Bailiff:** Deputy Blin.

**Deputy Blin:** Thank you, sir.

2170 Can the President advise to the details of the terms of reference for the independent review,  
which he referred to in his answer?

**The Bailiff:** Deputy Trott.

2175 **Deputy Trott:** I can, sir, and once again I consider that to be an entirely legitimate question.  
The review will include, but is not limited to: determining any common, underlying causes which  
have contributed towards shortcomings in the governance surrounding Our Hospital  
Modernisation, with specific consideration to the roles and responsibilities within the programme



management office; the role and accountability of the senior responsible officer; the role of and relationship with the political Committee; associated governance structures, including the early identification of risk and escalation routes, including the appropriate level of political visibility throughout the programme cycle; the level of professional support provided internally and of the opportunity for ongoing proportionate peer review; assessing whether the new arrangements put in place by the Committee for Health & Social Care in respect of Our Hospital Modernisation go far enough in addressing the challenges experienced; and drawing conclusions from the above and making recommendations for improvement for the future.

I will repeat the very first sentence, 'the review will include but is not limited to' all of those matters.

**The Bailiff:** Deputy Taylor, second supplementary.

**Deputy Taylor:** Thank you, sir, and following on again a further question on the independent review that was referred to in the OHM and the wider capital portfolio, which of course includes Bridge regeneration, with a line total of £35 million, it has been brought to the attention of the Policy & Resources Committee, although they declined to answer the questions, that Mr Charles McHugh and Omnibus Investment Holdings made allegations, which have been denied, about Deputy Trott himself, the Chief Executive of the States of Guernsey and even the Deputy Bailiff.

I repeat that they have all been denied. Given the comments that have come from Deputy Mahoney and there seems to be an implication that the Chief Executive of the States is somehow involved in having a lot of information and it not necessarily coming through, can Deputy Trott give some assurance that he would seek an external review of the conduct of civil servants, if necessary?

**The Bailiff:** Deputy Trott.

**Deputy Trott:** If the Policy & Resources Committee considered such behaviour appropriate the answer would be yes.

**The Bailiff:** Deputy Mahoney, second supplementary.

**Deputy Mahoney:** Thank you, sir.

To clarify, I, like most of the Assembly, have no idea who knew, hence my question. I am certainly not suggesting he did. My question was did he know? But my second supplementary, in a statement earlier this week, the President noted that he, 'has confidence that the staff acted with the best of intentions'. Could the President expand on the facts that he has in his possession that make him confident that the withholding of the facts from P&R was the best way forward?

**The Bailiff:** I am going to rule that question out of order because it does not arise out of the answer given to the original question asked by Deputy Gabriel.

Deputy Burford.

**Deputy Burford:** Given it is now clear that senior officers at P&R are also involved in delays in advising its political Members of the potential significant cost increase in the Hospital phase two project, would the President now support the commissioning by the Scrutiny Management Committee of a fully independent inquiry and review into this matter, with the findings reported to the SMC Committee, rather than to the Head of Public Services, as at present, under the P&R-commissioned Thornton Review.

**The Bailiff:** Once again, I am going to rule that supplementary question out of order because it does not arise from the answer that was given to the original question.

Deputy Fairclough, third time lucky!

2230 **Deputy Fairclough:** My fingers are crossed, sir.  
Given the understandable wait for the report from Mr Thornton that has been referred to before publicly commenting as the Chief Minister mentioned, before publicly commenting on the position of P&R, can the President explain why a media release was issued on Monday of this week, which could potentially compromise the outcome of that review?

2235 **The Bailiff:** Sadly, that also does not arise out of the answer given to the original question, which was quite pointed in its terms.  
Anyone else? In that case, we will now adjourn until 2.30.

*The Assembly adjourned at 12.32 p.m.  
and resumed its sitting at 2.30 p.m.*

## Billet d'État VII

### ELECTIONS AND APPOINTMENTS

#### COMMITTEE FOR EDUCATION, SPORT & CULTURE

##### 1. Election of Members of the Ladies' College Board of Governors – Mr Miller and Ms Richards elected

*Article 1.*

*The States are asked:*

*(1) To re-elect Mr Peter Miller as a member of The Ladies' College Board of Governors, who has been nominated in that behalf by the Committee for Education, Sport & Culture, on the expiry of his current term of office on the 31st May 2024.*

*(2) To elect Ms Amy Richards as a member of The Ladies' College Board of Governors who has been nominated in that behalf by the Board of Governors on the expiry of the term of office of Sir Richard Collas on 31st May 2024.*

**The Deputy Greffier:** Article 1, Election of Members of the Ladies' College Board of Governors.

2240 **The Bailiff:** Alderney Representative Snowdon, is it your wish to be relevé?

**Alderney Representative Snowdon:** Yes please, sir.  
Thank you.

2245 **The Bailiff:** Thank you very much. So we will mark you as present.  
Now, in relation to the election of members to the Ladies' College Board of Governors, who is going to propose the re-election of Mr Peter Miller?

2250 **Deputy Dudley-Owen:** I am, sir.

**The Bailiff:** Thank you, Deputy Dudley-Owen.  
Is anyone going to second?

2255 **Deputy Haskins:** Yes, sir.

**The Bailiff:** Thank you, Deputy Haskins.

2260 We do not normally have any speeches in relation to these because nominations cannot be made from the floor of the Assembly. Is there anything you wish to say, Deputy Soulsby, about Peter Miller? In that case, Members of the States, I am going to put the nomination of Mr Peter Miller to be re-elected as a member of the Ladies' College Board of Governors to you and ask that you vote on that Proposition, please.

Can you open the voting, please, Greffier?

*There was a recorded vote.*

*Carried – Pour 33, Contre 0, Ne vote pas 2, Did not vote 1, Absent 4*

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	Inder, Neil	Le Tocq, Jonathan	Ferbrache, Peter
Blin, Chris		Mahoney, David		Meerveld, Carl
Brouard, Al				Oliver, Victoria
Burford, Yvonne				Roffey, Peter
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Leadbeater, Marc				
Matthews, Aidan				
McKenna, Liam				
Moakes, Nick				
Murray, Bob				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roberts, Steve				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

2265 **The Bailiff:** In respect of the nomination of Peter Miller to be re-elected as a member of the Ladies' College Board of Governors, there voted in favour, 33 Members; no Member voted against; 2 Members abstained; 5 Members did not participate in the vote and therefore I will declare him duly re-elected to that position.

2270 We will move on to the second element of the election of Members to the Ladies' College Board of Governors and the Proposition is to elect Ms Amy Richards. Is that proposed by anyone?

**Deputy Soulsby:** Yes, it is proposed by me.

2275 **The Bailiff:** Thank you very much, Deputy Soulsby.

Is that nomination seconded?

**Deputy Trott:** It is, sir.

2280 **The Bailiff:** Thank you. There is a man who knows when to fill a gap! *(Laughter)*  
Is there anything that you wish to say, Deputy Soulsby, in relation to the nomination of Amy Richards or the person that she is proposed to replace? No. Okay.

In that case, Members of the States, I am sure we would all like to thank my predecessor, Sir Richard Collas for serving on the Ladies' College Board of Governors. He is now to be replaced, if  
2285 you are so minded, by Ms Amy Richards, who I think has been an associate governor. Do we have a Proposition that Members can vote on?

Therefore because there cannot be any other nominations made from the floor of the Assembly, I will invite the Greffier to open the voting.

*There was a recorded vote.*

*Carried – Pour 33, Contre 0, Ne vote pas 2, Did not vote 1, Absent 4*

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	Inder, Neil	Le Tocq, Jonathan	Ferbrache, Peter
Blin, Chris		Mahoney, David		Meerveld, Carl
Brouard, Al				Oliver, Victoria
Burford, Yvonne				Roffey, Peter
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Leadbeater, Marc				
Matthews, Aidan				
McKenna, Liam				
Moakes, Nick				
Murray, Bob				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roberts, Steve				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

2290 **The Bailiff:** In respect of the Proposition to elect Amy Richards as a new member of the Ladies' College Board of Governors, there voted in favour, 33 Members; no Member voted against; 2 Members abstained from voting and 5 Members did not participate in the voting, so I will declare her duly elected to the Board of Governors and we wish her well with her functions.

2295 Can we now lay the legislation before the States, please, Greffier?

Ah, we have got another election, have we? Alright, we will do another election. How about that.

**COMMITTEE FOR EDUCATION, SPORT & CULTURE**

**2. Election of two members of the Priaulx Library Council –  
Mrs Leslie and Deputy Haskins elected**

*Article 2.*

*The States are asked:*

*(1) To elect two members of the Priaulx Library Council, who need not be a member of the States, to replace Paul Le Pelley, whose term of office expired on 31 December 2023, and Yasmin Le Huray, who resigned from the Council in February 2023, in accordance with Rule 16 of the Rules of Procedure of the States of Deliberation.*

**The Deputy Greffier:** Article 2, election of two members of the Priaulx Library Council.

2300      **The Bailiff:** So, in relation to this matter, who is going to make the proposals? Is it Deputy Dudley-Owen?

**Deputy Dudley-Owen:** I am, sir.

2305      **The Bailiff:** And you are proposing?

**Deputy Dudley-Owen:** Mrs Kay Leslie and also Deputy Sam Haskins, and details for the two candidates have been circulated prior to this Meeting.

2310      **The Bailiff:** Thank you very much.  
Are those nominations seconded?

**Deputy Aldwell:** They are, sir.

2315      **The Bailiff:** Thank you very much, Deputy Aldwell.  
Are there any other nominations? Because they can be made from the floor of the Assembly. It is a very good body to sit on. No? In that case I will ask that a Proposition be put to elect Kay Leslie and Deputy Sam Haskins, both of whose nominations are proposed by Deputy Dudley-Owen and both are seconded by Deputy Aldwell.

2320      I will invite the Greffier to open the voting.

*There was a recorded vote.*

*Carried – Pour 33, Contre 0, Ne vote pas 1, Did not vote 2, Absent 4*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>DID NOT VOTE</b>	<b>ABSENT</b>
Aldwell, Sue	None	Inder, Neil	Cameron, Andy	Ferbrache, Peter
Blin, Chris			Le Tocq, Jonathan	Meerveld, Carl
Brouard, Al				Oliver, Victoria
Burford, Yvonne				Roffey, Peter
Bury, Tina				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				

Helyar, Mark  
Kazantseva-Miller, Sasha  
Le Tissier, Chris  
Leadbeater, Marc  
Mahoney, David  
Matthews, Aidan  
McKenna, Liam  
Moakes, Nick  
Murray, Bob  
Parkinson, Charles  
Prow, Robert  
Queripel, Lester  
Roberts, Steve  
Snowdon, Alexander  
Soulsby, Heidi  
St Pier, Gavin  
Taylor, Andrew  
Trott, Lyndon  
Vermeulen, Simon

2325 **The Bailiff:** In respect of the Proposition to elect two Members of the Priaulx Library Council, being Kay Leslie and Deputy Sam Haskins, proposed by Deputy Dudley-Owen, each time, and seconded by Deputy Aldwell, there again voted in favour, 33 Members; no Member voted against; 1 Member abstained and 6 Members did not participate in that vote and therefore I will declare both of them duly elected.  
Now, perhaps we will lay the legislation.

#### LEGISLATION LAID BEFORE THE STATES

**The Boarding Permit Fees Order, 2024;  
The Limited Partnerships (Guernsey) Law, 1995 (Amendment) Regulations, 2024;  
The Plant Health (Amendment of Transitional Provision) (Guernsey) Regulations, 2024;  
The Aviation Security (Guernsey) Direction, 2024;  
The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey)  
(Amendment of Schedule 3) (No. 4) Regulations, 2024**

2330 **The Deputy Greffier:** The Boarding Permit Fees Order, 2024; The Limited Partnerships (Guernsey) Law, 1995 (Amendment) Regulations, 2024; The Plant Health (Amendment of Transitional Provision) (Guernsey) Regulations, 2024; The Aviation Security (Guernsey) Direction, 2024; The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment of Schedule 3) (No. 4) Regulations, 2024.

2335 **The Bailiff:** Thank you very much and I have not received any motions to annul any of those matters but they have been laid before this Meeting of the States.  
Next item, please, Greffier.

2340 **Deputy Inder:** Would you mind if I just declared an interest as a boarding permit holder before I vote? I will be voting on the legislation but I am a boarding permit holder.

**The Bailiff:** There is no vote, Deputy Inder but that is duly noted.

**LEGISLATION FOR APPROVAL**

**POLICY & RESOURCES COMMITTEE**

**3. Income Tax (Investment Companies) (Guernsey) (Amendment) Ordinance 2024 – Proposition carried**

*Article 3.*

*The States are asked to decide:-*

*Whether they are of the opinion to approve the draft Ordinance entitled "The Income Tax (Investment Companies) (Guernsey) (Amendment) Ordinance, 2024" and to direct that the same shall have effect as an Ordinance of the States.*

2345

**The Deputy Greffier:** Article 3, Policy & Resources Committee – The Income Tax (Investment Companies) (Guernsey) (Amendment) Ordinance 2024.

2350

**The Bailiff:** I will invite the President, if he so wishes, Deputy Trott, to open any debate on this matter, if there is any.

**Deputy Trott:** I do not consider it necessary, sir, on this occasion.

2355

**The Bailiff:** Okay. Is there any debate on this draft Ordinance? No. In that case I will simply invite the Greffier to open the voting, please.

*There was a recorded vote.*

*Carried – Pour 34 Contre 0, Ne vote pas 0, Did not vote 2, Absent 4*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>DID NOT VOTE</b>	<b>ABSENT</b>
Aldwell, Sue	None	None	Cameron, Andy	Ferbrache, Peter
Blin, Chris			Le Tocq, Jonathan	Meerveld, Carl
Brouard, Al				Oliver, Victoria
Burford, Yvonne				Roffey, Peter
Bury, Tina				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Leadbeater, Marc				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Moakes, Nick				
Murray, Bob				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roberts, Steve				
Snowdon, Alexander				

Soulsby, Heidi  
St Pier, Gavin  
Taylor, Andrew  
Trott, Lyndon  
Vermeulen, Simon

**The Bailiff:** In respect of the Proposition of approval of this draft Ordinance, there voted in favour, 34 Members; no Member voted against; no Member abstained but 6 Members did not participate in that vote and therefore I will declare the Proposition duly carried.

## POLICY & RESOURCES COMMITTEE

### 4. The Income Tax (Guernsey) (Amendment) Ordinance 2024 – Proposition carried

*Article 4.*

*The States is asked to decide:-*

*Whether they are of the opinion to approve the draft Ordinance entitled "The Income Tax (Guernsey) (Amendment) Ordinance, 2024" and to direct that the same shall have effect as an Ordinance of the States.*

**The Deputy Greffier:** Article 4, Policy & Resources Committee – The Income Tax (Guernsey) (Amendment) Ordinance 2024.

**The Bailiff:** And similarly, I invite Deputy Trott, if he wishes to, to open debate on this matter.

**Deputy Trott:** Thank you, sir, I think this one would benefit from some short introductory remarks.

Through the 2024 Budget debate, the Assembly resolved to increase the Open Market tax cap from £50,000 to £60,000 *per annum* and to increase the Alderney cap from £50,000 to £65,000. Following legal advice on the application of the revised cap for those who arrived and were paying the cap in 2023, or prior years, grandfathering of the rates had been applied to this cohort. However, the Ordinance makes the necessary technical changes to allow future flexibility by making clear that the two caps are not fixed throughout their statutory duration and may, in common with all tax rates, be amended from time to time by Resolution of the States.

Thank you, sir.

**The Bailiff:** I do not see any Member rising to engage in debate on the draft Ordinance and therefore I will put it to the vote and invite the Greffier to open the voting in respect of this draft Ordinance, please.

*There was a recorded vote.*

*Carried – Pour 35 Contre 0, Ne vote pas 0, Did not vote 1, Absent 4*

#### POUR

Aldwell, Sue  
Blin, Chris  
Brouard, Al  
Burford, Yvonne  
Bury, Tina  
Cameron, Andy  
De Lisle, David

#### CONTRE

None

#### NE VOTE PAS

None

#### DID NOT VOTE

Le Tocq, Jonathan

#### ABSENT

Ferbrache, Peter  
Meerveld, Carl  
Oliver, Victoria  
Roffey, Peter



De Sausmarez, Lindsay  
Dudley-Owen, Andrea  
Dyke, John  
Fairclough, Simon  
Falla, Steve  
Gabriel, Adrian  
Gollop, John  
Haskins, Sam  
Helyar, Mark  
Inder, Neil  
Kazantseva-Miller, Sasha  
Le Tissier, Chris  
Leadbeater, Marc  
Mahoney, David  
Matthews, Aidan  
McKenna, Liam  
Moakes, Nick  
Murray, Bob  
Parkinson, Charles  
Prow, Robert  
Queripel, Lester  
Roberts, Steve  
Snowdon, Alexander  
Soulsby, Heidi  
St Pier, Gavin  
Taylor, Andrew  
Trott, Lyndon  
Vermeulen, Simon

**The Bailiff:** In respect of the Proposition to approve the draft Ordinance entitled the Income Tax (Guernsey) (Amendment) Ordinance 2024, there voted in favour, 35 Members; no Member voted against, no Member abstained, and this time only 5 Members did not participate in the vote and therefore I will declare the Proposition duly carried.

2385

## COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

### 5. Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) (Amendment) Ordinance, 2024 – Proposition carried

*Article 5.*

*The States is asked to decide:-*

*Whether they are of the opinion to approve the draft Ordinance entitled "The Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) (Amendment) Ordinance, 2024" and to direct that the same shall have effect as an Ordinance of the States.*

**The Deputy Greffier:** Article 5, Committee for Employment & Social Security – the Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) (Amendment) Ordinance, 2024.

**The Bailiff:** And I will invite the Vice-President, if she so wishes, Deputy de Sausmarez, to open debate on this matter.

2390

**Deputy de Sausmarez:** Thank you, sir.

Just some very brief comments to put this in context. This Ordinance is discharging a States' Resolution that was made in May 2023. The Legal Aid Commissioner is an independent holder of public office, appointed by the States. They are responsible for reviewing decisions taken by the

2395

Legal Aid Administrator, in respect of applications for and grants of entitlement to legal assistance under the Guernsey Legal Aid Scheme when an application for such a review is made by an aggrieved person.

When the Committee proposed the appointment of Advocate Evans as the Legal Aid Commissioner, the lack of resilience was identified and the Committee proposed that the Ordinance be amended to enable the Committee to appoint one or more deputy legal aid commissioners to carry out the functions of the Commissioner when the Commissioner is not available or is unable to act for any other reason and that is what this Ordinance brings into effect. And just a final comment that because the Commissioner is not a paid member of staff and receives no retainer there is no additional cost associated with the appointment of a Deputy Commissioner.

Thank you.

**The Bailiff:** Once again, I do not see anyone leaping to their feet to engage in debate on this draft Ordinance and therefore I will invite the Greffier to open the voting in respect of it, please.

*There was a recorded vote.*

*Carried – Pour 35 Contre 0, Ne vote pas 0, Did not vote 1, Absent 4*

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	None	Le Tocq, Jonathan	Ferbrache, Peter
Blin, Chris				Meerveld, Carl
Brouard, Al				Oliver, Victoria
Burford, Yvonne				Roffey, Peter
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Leadbeater, Marc				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Moakes, Nick				
Murray, Bob				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roberts, Steve				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

**The Bailiff:** In respect of this draft Ordinance, the voting was 35 Members voted in favour; no Member voted against; no Member abstained; 5 Members did not participate in the vote and therefore I will declare the Proposition duly carried.

**COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY**

**6. The Income Support (Implementation) (Amendment) Ordinance, 2024 –  
Proposition carried**

*Article 6.*

*The States are asked to decide:-*

*Whether they are of the opinion to approve the draft Ordinance entitled "The Income Support (Implementation) (Amendment) Ordinance, 2024" and to direct that the same shall have effect as an Ordinance of the States.*

2415      **The Deputy Greffier:** Article 6, Committee for Employment & Social Security – The Income Support (Implementation) (Amendment) Ordinance, 2024.

**The Bailiff:** And similarly, I invite the Vice-President of the Committee, if she wishes to do so, to open debate.

2420

**Deputy de Sausmarez:** Thank you, sir.

Just briefly to say that this is again bringing into effect a decision of the States that was made as part of the debate on the Non-Contributory Up-rating Report in November last year, 2023.

Thank you.

2425

**The Bailiff:** Once again, no one is leaping to their feet, so I will simply invite the Greffier to open the voting on this draft Ordinance, please.

*There was a recorded vote.*

*Carried – Pour 35 Contre 0, Ne vote pas 0, Did not vote 1, Absent 4*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>DID NOT VOTE</b>	<b>ABSENT</b>
Aldwell, Sue	None	None	Le Tocq, Jonathan	Ferbrache, Peter
Blin, Chris				Meerveld, Carl
Brouard, Al				Oliver, Victoria
Burford, Yvonne				Roffey, Peter
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Leadbeater, Marc				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Moakes, Nick				
Murray, Bob				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				

Roberts, Steve  
Snowdon, Alexander  
Soulsby, Heidi  
St Pier, Gavin  
Taylor, Andrew  
Trott, Lyndon  
Vermeulen, Simon

2430 **The Bailiff:** In respect of the draft Income Support (Implementation) (Amendment) Ordinance, 2024, there voted in favour, 35 Members; no Member voted against; no Member abstained; 5 Members did not participate in the vote and therefore I declare the Proposition duly carried.

## COMMITTEE FOR HOME AFFAIRS

### 7. Sexual Assault Referral Centre (Procedure) (Bailiwick of Guernsey) Law 2024 – Proposition (as amended) carried

Article 7.

*The States are asked to decide:-*

*Whether they are of the opinion to approve the draft Projet de Loi entitled "The Sexual Assault Referral Centre (Procedure) (Bailiwick of Guernsey) Law, 2024", and to authorise the Bailiff to present a most humble petition to His Majesty praying for His Royal Sanction thereto.*

**The Deputy Greffier:** Article 7, Committee for Home Affairs – the Sexual Assault Referral Centre (Procedure) (Bailiwick of Guernsey) Law, 2024.

2435

**The Bailiff:** And I will invite the President of the Committee, Deputy Prow, if he so wishes, to open debate.

**Deputy Prow:** Thank you, sir.

2440

Members will recall the Assembly considered a policy letter on 16th October last year, entitled *Forensic Medical Examinations facilitated by a Sexual Assault Referral Centre*. The purpose of the Sexual Assault Referral Centre (Procedure) (Bailiwick of Guernsey) Law, 2024, is to regulate the manner in which the Sexual Assault Referral Centre retains and discloses evidence and information emanating from clients, including from forensic medical examination.

2445

I commend this legislation to the Assembly, thank you, sir.

**The Bailiff:** Well, Members of the States, there is what I think we might call a technical amendment here, which is proposed by the Law Officers. Madam Procureur, to you wish to move Amendment 1 to this matter?

2450

#### [Amendment 1](#)

*At the end of the Proposition, insert –*

*"subject to the following amendments:- 1. in clause 22(1)(b)(i), for "Error! Reference source not found.", substitute "8", and 2. in clause 22(1)(d), delete "Error! Reference source not found."."*

**The Procureur:** Yes please, sir.

It is to be seconded by H.M. Comptroller. I do not propose to read it out unless Members would like me to. It is merely a textual amendment to correct a typographical issue that arose when converting the final word document into PDF.

2455

Thank you, sir.

**The Bailiff:** Mr Comptroller, do you formally second the amendment?

**The Comptroller:** I do, sir.

2460 **The Bailiff:** Thank you, very much.  
Is there any debate on this amendment? Yes, Deputy Gabriel.

2465 **Deputy Gabriel:** I would just question, sir, if the Legislation Review Panel saw this document and if they did, what their comment was, or if they saw it in word format, or if they did not actually see it in the PDF and the conversion happened after they had reviewed it? It is my only question because if they did see it then why was it missed and why are we in this position? That was all.

2470 **The Comptroller:** I can confirm that this occurred after the Legislation Review Panel saw the document. The document they saw was absolutely correct. This was purely on the conversion to PDF in preparation for putting it to for the Billet.  
Thank you, sir.

2475 **The Bailiff:** Members of the States, I am going to put to you Amendment 1, to the draft *Projet de Loi*, proposed by the Procureur and seconded by the Comptroller and I am going to invite the Greffier to open the voting on that amendment, please.

*Amendment 1.*

*There was a recorded vote.*

*Carried – Pour 35 Contre 0, Ne vote pas 0, Did not vote 1, Absent 4*

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	None	Le Tocq, Jonathan	Ferbrache, Peter
Blin, Chris				Meerveld, Carl
Brouard, Al				Oliver, Victoria
Burford, Yvonne				Roffey, Peter
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Leadbeater, Marc				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Moakes, Nick				
Murray, Bob				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roberts, Steve				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				

Taylor, Andrew  
Trott, Lyndon  
Vermeulen, Simon

**The Bailiff:** In respect of Amendment 1, proposed by H.M. Procureur and seconded by H.M. Comptroller, there voted in favour, 35 Members; no Member voted against; no Member abstained; 5 Members did not participate in the vote and therefore I will declare Amendment 1 duly carried.

Does anyone wish to debate the draft *Projet de Loi* as now amended? I do not see anyone rising and therefore I will invite the Greffier to open the voting on the draft *Projet* as just amended.

*There was a recorded vote.*

*Carried – Pour 35 Contre 0, Ne vote pas 0, Did not vote 1, Absent 4*

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	None	Le Tocq, Jonathan	Ferbrache, Peter
Blin, Chris				Meerveld, Carl
Brouard, Al				Oliver, Victoria
Burford, Yvonne				Roffey, Peter
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Leadbeater, Marc				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Moakes, Nick				
Murray, Bob				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roberts, Steve				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

**The Bailiff:** The voting on the draft *Projet de Loi* entitled the Sexual Assault Referral Centre (Procedure) (Bailiwick of Guernsey) Law, 2024, as now amended, is as follows: there voted in favour, 35 Members; no Member voted against, no Member abstained, 5 Members did not participate in the vote, and therefore I declare the Proposition duly carried.

**COMMITTEE FOR HEALTH & SOCIAL CARE**

**8. Introduction of an Enabling Law to Regulate Vapes –  
Propositions carried as amended**

*Article 8.*

*The States are asked to decide:-*

*Whether, after consideration of the Policy Letter entitled "Introduction of an Enabling Law to Regulate Vapes," dated 8th April 2024, it is of the opinion:-*

*1. To agree that a framework to legally define vapes and regulate their importation, advertisement, sale, supply and consumption should be implemented through the creation of an enabling Law.*

*2. To agree that the enabling Law includes powers for Ordinances to be made to create offences in relation to the importation, advertisement, sale, supply and consumption of vapes.*

*3. To agree that an Ordinance be enacted under the enabling Law:*

*a) introducing a ban on the sale and supply of vapes to individuals under 18 years old by making it a criminal offence;*

*b) prohibiting the advertisement of vapes in or on premises where they are sold or supplied by making it a criminal offence;*

*c) introducing a licence scheme for vape sellers that is similar to the licence scheme for tobacco products;*

*d) prohibiting the importation, sale and supply, including the free supply, of disposable vapes, by making it a criminal offence, subject to exemptions such as those set out in paragraphs 4.17 to 4.20 of this policy letter; and*

*e) giving the Committee for Health & Social Care power to make regulations to prescribe exemptions, exceptions and defences in relation to the relevant offences where appropriate.*

*4. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.*

2490 **The Deputy Greffier:** Article 8, the Committee for Health & Social Care – Introduction of an Enabling Law to Regulate Vapes.

**The Bailiff:** And I will invite the President of the Committee, Deputy Brouard, to open the debate, please.

2495 **Deputy Brouard:** Sorry, Members, it is me again today. A bit like buses, we wait and then two policy letters come along at the same time as a Statement.

2500 This is good news. The Committee for Health & Social Care is delighted to present its proposals to introduce an enabling Law to regulate vapes. These products are widely sold across the Island and, while they can be a useful tool for adults to quit smoking because they do not contain tobacco and are therefore a cleaner form of nicotine, the Committee considers their availability and use by children to be of great concern.

2505 In 2022, the Guernsey Young People's Survey reported that 38% of secondary age students had tried vaping and 10% vaped regularly. These figures are concerning because it appears that we have a cohort of young people using vapes beyond those who may have taken up smoking and because the potential long-term health risks associated with the use of vapes remain unknown.

2510 You will have seen the colourful displays of vapes in numerous retail outlets across the Island. You may have also noticed the sweet, enticing flavours available and that many of these products are retailed at lower prices as disposable vapes. This kind of marketing and the availability of products at a lower price point is reminiscent of the tactics used by the tobacco industry to make cigarettes more attractive and more affordable to children.

The Committee, therefore, considers it is prudent to base the enabling Law on tobacco legislation, which is extensive and largely responsible for reduction in smoking over the last decade,

from over 30% to around 13%. We were grateful to receive positive feedback during our political consultation at the end of last year and into the beginning of this year, and we have been pragmatic in our recommendations, given the current resources available.

The proposed enabling law will allow the States to define what vape products are and regulate their importation, advertisement, sale, supply and consumption. Once the enabling Law is in place, the Committee considers that the most pressing problems should be to address, first, and therefore recommends the following measures are enacted by Ordinance in the first instance: an age of sale ban on vapes to under-18s; prohibition of advertising; introduction of a retail licence scheme; and a ban on disposable vapes.

Wider regulatory measures will of course be possible under the enabling Law and will follow in the future. These might include, for example, regulation of ingredients and product packaging. The Committee's proposals align with the principles set out in the Partnership of Purpose and will discharge the Resolution of the States to develop a working programme to move towards the regulation of and control of vapes.

I hope you can support the Propositions in full, including the Deputy Prow and Vermeulen amendment, which will create a healthier environment for our young people, who will be our future. Just on the Deputy Prow and Vermeulen amendment, if it is laid, it just adds more strings to our bow. I can remember the difficulties we had with legal highs, but every time we tried to legislate, the game had shifted and moved a little bit more, so it was quite difficult to actually pin them down. So we are very grateful for that extra support from the Home team.

Thank you very much, sir.

**The Bailiff:** Well, Members of the States, you have heard that there is a single amendment to these Propositions. It is proposed by Deputy Prow. Is it your wish to lay that amendment now, Deputy Prow?

**Deputy Prow:** Yes please, sir.

**The Bailiff:** I invite you to do so.

[Amendment](#)

*For Proposition 3 e) substitute –*

*"e) giving the Committee for Health & Social Care power to make regulations- (i) prescribing exemptions, exceptions and defences in relation to the relevant offences, where appropriate, and (ii) further prohibiting or restricting the advertisement of vapes and the sale, supply or importation of any type or description of vapes."*

**Deputy Prow:** Thank you, sir.

My opening on this amendment can be necessarily brief. This is because it is very straight forward in its intent. The amendment does what it says on the tin, as described on the explanatory note. The Committee for Home Affairs is unanimous in its support for the Committee for Health & Social Care's proposals, which will introduce measures that can be put in place to tackle the harms caused by vapes, including the increasing use of disposable vapes amongst young people across the Island.

The Committee also thanks the Committee, supported by its officers, for bringing the policy letter, and I thank Deputy Brouard for outlining in his opening the support for this amendment.

The amendment is supported by the whole of Home Affairs. It is designed to further enhance the intent of the Propositions and acknowledges that vapes are a relatively new and evolving product and that it is important, as a jurisdiction, that we can prevent products that are identified as harmful so they may be regulated from entering or being sold in the Bailiwick.

The policy letter describes how vapes were developed in China and at section four outlines the fast-paced evolution of vapes and makes a strong case for regulation. Emerging evidence has



uncovered harmful substances being contained in vapes. The Isle of Man, under its legislation, has the ability to place controls on the standards vaping products must meet.

2560       The amendment adds the ability to Proposition 3(e) to allow, in this jurisdiction, for HSC to respond quickly to any emerging products that are considered dangerous or harmful. I urge all Deputies to support this enabling amendment.

Thank you, sir.

2565       **The Bailiff:** Deputy Vermeulen, do you formally second the amendment?

**Deputy Vermeulen:** Absolutely, sir. It is a fine amendment.

**The Bailiff:** Thank you very much.

2570       Deputy Leadbeater.

**Deputy Leadbeater:** Thank you, sir.

As the President outlined, the Committee supports this amendment. I do not actually think it is necessary because I think the Committee *for* Health & Social Care will already have the power to further prohibit or restrict the advertising of vapes and for the sales or importation of any type or description of vape because I think Proposition 2 carries that. But, as outlined by the President, it gives it a bit more extra weight so we on the Committee, unanimously, will be supporting it and I encourage everybody else to.

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2580       **The Bailiff:** Deputy Gollop.

**Deputy Gollop:** I think I am going to support it because it has clearly had strong support from Health & Social Care, the President and Home Affairs. But it is quite a curious amendment in some ways because it does not give the Committee *for* Home Affairs these powers, it gives the Committee *for* Health & Social Care and if you read the text, it says it gives the Committee for HSC power to make regulations:

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... prescribing exemptions, exceptions and defences in relation to the relevant offences, where appropriate, and (ii) further prohibiting or restricting the advertisement of vapes and the sale, supply or importation of any type or description of vapes.

Now (e)(ii) is clearly very sensible and along the lines of what Deputy Prow has outlined because it is a new or new-ish product and we were caught out by the so-called legal or illegal highs and the way in which their chemical constructs and technical details can quickly evolve and change.

2590       So I think (e)(ii) definitely should be in the legislation. Of course, we will get a chance to scrutinise it, both the Scrutiny Panel I used to be on and the wider States. But (e)(i) is a bit curious because it indicates that the legislation will come back to but exemptions, exceptions and defences, which presumably is the situation an individual or company might find themselves in relation to supplying vapes to under-18s or advertising them or marketing them, the ball park there might change because it will give the Committee power to make regulations, whether they will come back to the Assembly or not, quite quickly, and potentially they may even, say to a firm of advocates or a person who is under prosecution, you are trying to use that defence but the defence has changed because we have an exemption now for that or a defence.

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It also looks as if some situations might be exempt and others not. So I am not clear about that and, as for the Propositions, I do support them all, in principle, but there is always a balance between the liberty of the individual and the effectiveness of Public Health. Starting at 18 is probably the right way to go although we may talk about that later in relation to, I do not know, social media, for example. There are always ways. You criminalise young people for doing something a little bit dubious that adults get away with and I think that can be a difficulty. But 18 is logical in terms of adulthood.

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As for the advertisement and marketing and merchandise, although that needs to be cracked down, that clearly might be more of a complicated matter, especially in a smaller jurisdiction like this, in regulating and licensing of shops. So when the legislation comes back, we need clarity on what those issues are and what exemptions, exceptions and defences to the relevant offences, which will be made an offence, will show. Because it could be we are passing an open-ended Law here, with the amendment, which would change on a monthly or quarterly basis and I do not know if that is quite what we aim to do or not.

**The Bailiff:** Deputy Kazantseva-Miller.

**Deputy Kazantseva-Miller:** Sir, I am a little bit unsure whether this amendment is actually needed because I believe it is covered by the policy letter, so Proposition 3, point (e) pretty much covers the first part, (e)(i) of the amendment and I believe Proposition 3(b) covers the second part of the amendment in relation to the advertisement. So, at the moment, I do not really believe the amendment adds anything else to what is already in the policy letter, so I am tempted to abstain or vote against it because I really do not see the point.

Thank you.

**Deputy Inder:** Sir, I am going to Rule 26(1) this debate, or try, at least.

**The Bailiff:** In respect of this amendment, numbered one, will those Members who wish to speak in debate on the amendment stand in their places?

Deputy Brouard, do you have anything that you want to say as the President of the Committee proposing these Propositions?

**Deputy Brouard:** If the debate carried on, I would have replied to Deputy Gollop.

**The Bailiff:** Nobody stood up so, therefore, the Rule 26(1) is not going to be placed. So this is your opportunity to say what you wanted to say in the debate before I turn back to the proposer of the amendment, Deputy Prow.

**Deputy Brouard:** The Committee is very happy to accept the amendment, sir.

**The Bailiff:** I will invite Deputy Prow to respond to the debate on Amendment 1, please.

**Deputy Prow:** Thank you, sir. I can be brief.

I thank Deputy Leadbeater for his support. As far as the comments made by Deputy Gollop, if I understand him properly, I am very happy to give way if I have not, I believe he was showing support for (e)(ii), 'the further prohibiting and restricting the advertisement of vapes for sale, supply or importation of any type or description of vapes'. He has drawn attention to (e)(i) but that is the way that the amendment has been worded because that encapsulates the Health & Social Care Proposition (e), which is giving the Committee *for* Health & Social Care, power to make regulations to prescribe exemptions, exceptions and defences in relation to the relevant offences, where appropriate.

So it is entirely proper, actually, for both (e)(i) and (e)(ii) for the Committee *for* Health & Social Care to consider those regulations. I think a point slightly touched on by Deputy Leadbeater. I cannot really see the difficulty particularly with the amendment as written. If Deputy Gollop has a point to make, perhaps he should make it in general debate and Deputy Brouard will very ably answer that.

As far as Deputy Kazantseva-Miller, I am pleased that she is only intending to abstain. I think the explanatory note makes it very clear what the intent is and this is to make sure that it is beyond doubt in the drafting instructions that are pulled out from the amendment, indeed or the

2660 Propositions, so just make sure that Health & Social Care, that the necessary legislative measures are in place that would allow Guernsey as a jurisdiction to respond quickly to any emerging products that are considered dangerous or harmful and that is the intent. I hope I have managed to change her mind and she will support the amendment.

Thank you, sir.

2665 **The Bailiff:** Members of the States, we come to the vote on Amendment 1, to this set of Propositions, which if successful will substitute Proposition 3(e). It is proposed by Deputy Prow, seconded by Deputy Vermeulen and I will invite the Greffier to open the voting in respect of it, please.

*Amendment 1.*

*There was a recorded vote.*

*Carried – Pour 33 Contre 0, Ne vote pas 2, Did not vote 1, Absent 4*

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	Bury, Tina	Le Tocq, Jonathan	Ferbrache, Peter
Blin, Chris		Kazantseva-Miller, Sasha		Meerveld, Carl
Brouard, Al				Oliver, Victoria
Burford, Yvonne				Roffey, Peter
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Inder, Neil				
Le Tissier, Chris				
Leadbeater, Marc				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Moakes, Nick				
Murray, Bob				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roberts, Steve				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

2670 **The Bailiff:** In respect of Amendment 1, proposed by Deputy Prow and seconded by Deputy Vermeulen, there voted in favour, 33 Members; no Member voted against; 2 Members abstained; 5 Members did not participate in the vote and therefore I will declare the amendment duly carried. We now move into general debate.

Deputy de Sausmarez.

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**Deputy de Sausmarez:** Thank you, sir.

I do not anticipate this being a particularly lengthy debate. I think these measures, from what I can pick up, are broadly supported and very much welcomed. But I just wanted to take the opportunity to put on the official record the Committee *for the* Environment & Infrastructure's stance on one measure in particular because, I actually, procedurally, would have welcomed the publication of all the Committee responses to this because I think it would have been very informative.

But I do not believe that we have had those consultation responses published. I know that E&I has given permission for ours to be published, should HSC find an opportunity to do so and I am getting indications from other Presidents that might be the same. Anyway, this is the debate, so I just wanted to briefly put E&I's position on the record, which is very supportive of anything that reduces the prevalence of vapes. There are two main areas of concern for the Committee, in respect of our mandate, and that is environmental pollution and the impact on our waste system.

Vapes are difficult and expensive to recycle. They also, especially in terms of disposable vapes, are a waste of valuable resources, both in terms of the materials that are used in them and the energy that is needed to produce them and to transport them, retail them, etc.

Both our energy and our climate change policies encourage the preservation of valuable resources and vapes do include valuable resources, such as lithium, and those materials inside disposable vapes, in particular, cause various problems if they are introduced into the environment. So we do find that they are increasingly found in the natural environment, by being littered. We are finding them with increasing prevalence in our waterways, on our beaches, in our woodlands and generally around and about. They are becoming much more of a prevalent problem.

But even when disposed of, in order to set up environmentally responsible disposal channels, that is very costly and it is actually very difficult to do properly and that is even before you get to the implementation, making sure that they are well-used. They also pose something of a fire risk, as well, when they are disposed of along with general waste. So, basically, they are really quite problematic and disposable vapes, in particular, being so prevalent, are a particular issue.

The Waste Strategy very much prioritises the prevention of waste in the first instance and then working down through the hierarchy in terms of minimisation, etc. So the Committee *for the* Environment & Infrastructure is particularly supportive of proposals to ban disposable vapes.

Thank you.

**The Bailiff:** Deputy de Lisle.

**Deputy de Lisle:** Thank you, sir.

I just wanted clarification on a point. I am not clear whether 3(b) prohibition of the advertising of vapes in or on premises where they are sold, whether this refers to businesses that are widely advertising on shop fronts the vapes, whether in fact this legislation is going to call for the closure of those retail establishments and resorting to the sort of situation that we have with tobacco being sold behind the counter, so to speak.

I would be personally in favour of that because I am not exactly sure how you are going to get rid of all this advertising on the speciality retail shops. I think there are three or four in Town, that have vape advertising strewn all over, basically, the shop front, as well as within.

This is a point that I think has to be clarified because if you take a look at (b) and the wording, it seems to leave that aspect fairly open, where they are sold or supplied. So prohibiting the advertisement of vapes. I think we need some clarification on that.

We are dealing with a very harmful substance here, actually, talking to people in health in London where they are very concerned that, whereas one can resort to patches and so on to get people off cigarette smoking, those means do not work with regard to vapes and of course vapes contain nicotine. It is a very serious issue and I think we should be looking very seriously at vapes across the board because people 18 and over, will become addicted to this particular substance and that is addicted to nicotine. As they say in London, this is a new problem and they foresee cigarettes going out, essentially, but vapes coming in in a bigger way, and that being a real problem for the future.

2730 Getting back to my original thrust of point of clarification, it is whether in fact we are doing away with these retail shop fronts or retail establishments, let us say, that have sprung up everywhere to sell vapes or are we going back to the situation with regard to tobacco that is sold behind the counter, essentially. I would ask that that is considered, if it is not, that that be a consideration for the future that it is dealt with as tobacco is dealt with today and we perhaps get around this problem of vape shops advertising profusely outside their product.

2735 Thank you, sir.

**Deputy Inder:** Sir, I am going to attempt a guillotine motion.

2740 **The Bailiff:** Sorry, I missed that completely, Deputy Inder.

**Deputy Inder:** I am surprised but I am going to attempt a guillotine motion.

**The Bailiff:** Can I invite those Members who wish to speak in general debate on these Propositions to stand in their places, please?

2745 Is it still your wish, Deputy Inder, that I put a procedural motion? So there is a motion pursuant to Rule 26(1) that debate be terminated at this point, subject to hearing from the President of the Committee. Those in favour; those against?

*Members voted Contre.*

2750 **The Bailiff:** I will declare that lost.

**Deputy Inder:** Could I have a recorded vote, please?

2755 **The Bailiff:** You can have a recorded vote. So, Greffier, if we can get up a vote on the procedural motion, pursuant to Rule 26(1). It was all a bit half-hearted, I have to say. I will invite the Greffier to open the voting, please.

*There was a recorded vote.*

*Not carried – Pour 7, Contre 26, Ne vote pas 2, Did not vote 1, Absent 4*

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Haskins, Sam	Aldwell, Sue	Burford, Yvonne	Le Tocq, Jonathan	Ferbrache, Peter
Helyar, Mark	Blin, Chris	Dyke, John		Meerveld, Carl
Inder, Neil	Brouard, Al			Oliver, Victoria
Le Tissier, Chris	Bury, Tina			Roffey, Peter
Mahoney, David	Cameron, Andy			
Parkinson, Charles	De Lisle, David			
Trott, Lyndon	De Sausmarez, Lindsay			
	Dudley-Owen, Andrea			
	Fairclough, Simon			
	Falla, Steve			
	Gabriel, Adrian			
	Gollop, John			
	Kazantseva-Miller, Sasha			
	Leadbeater, Marc			
	Matthews, Aidan			
	McKenna, Liam			
	Moakes, Nick			
	Murray, Bob			
	Prow, Robert			
	Queripel, Lester			
	Roberts, Steve			
	Snowdon, Alexander			

Soulsby, Heidi  
St Pier, Gavin  
Taylor, Andrew  
Vermeulen, Simon

2760 **The Bailiff:** On the motion pursuant to Rule 26(1), proposed by Deputy Inder, there voted in favour, 7 Members; 26 Members voted against; 2 Members abstained; 5 Members did not participate in the vote and that is why it was declared lost. Who now wishes to speak?  
Deputy Cameron.

2765 **Deputy Cameron:** Thank you, sir.

I rise to commend my colleagues on HSC for this impactful policy letter. It achieves two critical goals: preventing under-18s from vaping and banning the sale of disposable vapes. Nicotine in vapes is highly addictive and can harm teenage brain development. Our teenagers are in a crucial growth stage and exposure to harmful substances can have irreversible effects.

2770 Flavours like cotton candy and bubblegum are designed to be attractive to our children, making it vital to restrict their access to these products. Interestingly, China, where the majority of these vapes are produced, only allow two flavours: tobacco and menthol tobacco. Disposable vape manufacturers such as Lost Mary and ElfBar have seen fit to produce sweet flavours, purposely targeting our children.

2775 Teenagers are particularly vulnerable to peer pressure. The easy availability of disposable vapes exacerbates this issue. By banning sales to minors, we help them resist peer pressure to make healthier choices. There is an expectation that the youth of today will look after us in years to come. How can we expect them to look after us when we have failed to protect them from such an early age?

2780 The 2022 Young People's Survey revealed alarming trends: 6% of Year 6 students have tried vaping; 26% of Year 8, and 58% of girls by Year 10. These percentages have almost certainly increased considerably since that survey. Allowing minors to vape normalises nicotine addiction and burdens our healthcare system. Preventing early exposure reduces future healthcare costs and promotes a healthier society. As Deputy de Sausmarez has already stated, discarded vapes have become a common piece of litter on our streets. Additionally, improper disposal of disposable vapes poses environmental and fire risks due to their components, underscoring the need for this ban.

2785 Thank you.

**The Bailiff:** Deputy Prow.

2790

**Deputy Prow:** Thank you, sir.

I have already outlined the Committee *for* Home Affairs' unanimous support but I should add that support also goes to the Committee *for* E&I around the impact of disposable vapes and I am not going to repeat what Deputy de Sausmarez has said, except to say the Committee supports that.

2795

There are just some comments that the Committee would like to draw HSC's attention to. All these comments, however, are entirely supportive of the initiatives, for which again the Committee thanks HSC for bringing. These all relate to Section 4 of the Report. Sections 4.10, 4.13 and 4.19, which are found on pages nine, 10 and 11, respectively.

2800 So very briefly, with regard to 4.10, this deals with considering an exemption to some advertising prohibitions for retail outlets that only sell vapes and it is noted that in 4.10 the Committee says, 'may be minded'. I think the Committee *for* Home Affairs would like to add that this would need careful consideration because the vapes will still be advertised in attractive packaging and we are a little unclear on how barring under-18s from entering would be enforced. That was the Committee's thoughts with regard to that section.

2805

With regard to section 4.13, the Committee entirely endorses, it is absolutely right, for the OEHPR to deal with the licensing and to lead on this regulation but perhaps in considering the legislation

the Committee might want to consider if that agency could be assisted by the Border Agency, where vapes are found at the border that are unlicensed or encountered by Trading Standards and that might have to include the powers for those two agencies to seize those items. That I think will assist in resourcing the licensing aspects of this.

Finally, sir, at 4.19, the Committee *for* Home Affairs is very grateful that HSC has looked at the smoke-free status of the Prison, which does involve the use of vapes and we would ask, perhaps, if further consultation could take place with Home Affairs around this because there might be other ways that this could be achieved. But, again, Home Affairs is extremely grateful that HSC has recognised that we have a smoke-free prison.

Thank you, sir.

**The Bailiff:** Deputy Dudley-Owen.

**Deputy Dudley-Owen:** Thank you, sir, and I wholeheartedly support the Propositions as amended that have been brought forward by the Committee *for* Health & Social Care and thank them for pushing this into the States. The entire amount of the Education, Sport & Culture Committee is very pleased to see these proposals regulating vapes, which throughout the course of this term, the use amongst young people seems to have accelerated at a significant rate, probably well beyond our expectations and obviously it has, as Deputy Cameron has referred to, and also Deputy Brouard, the evidence for that is seen within our Children and Young People's Survey from 2022.

The Education, Sport & Culture Committee responded to the consultation and I have confirmed that I am content, as I think there was no dissension from my Committee, to share that consultation response, if the Committee *for* Health & Social Care chose to circulate them around States' Members. There is another endorsement to do so if they should see fit.

But I would like to add a couple of points because schools have become the front line in so-called policing the use of vapes amongst our under-18s and we are cognisant of the suspect but as yet unknown longer term health effects. But this is also a huge distraction and source of time loss for staff dealing with this matter and vapes are very difficult to conceal. They do not smell like cigarettes used to, they smell like perfume so, previously, when young people might have been having a sneaky cigarette it was really obvious, whereas now it is not and it is very difficult to detect them and powers of search are necessarily limited and they are rarely used.

It has taken up an awful lot of time for our staff and this is a real help. But, furthermore, Deputy Cameron has raised a very important issue and this adds to the stress of our young people's development. The peer pressure that they come under, it is extremely high, to try vaping and certainly we know from comments at the end of PSHE lessons, from our young people, some of the candid anonymised comments are that people feel under extreme pressure, young people feel under extreme pressure from their peers to try vaping and to see what it is like and they do not necessarily want to.

So I think that this is a helpful default position of knowing that it is not allowed and it is against the Law for those young people. It also sends a clear message about the value that we place on the health of our children and young people and we will enact Law in order to safeguard that.

One area that I am a little bit concerned about is the enforcement, especially in terms of individual importation because as we try to encourage our young people to be more independent and take their Saturday jobs, they get their own bank accounts and their own online banking, it is really easy for them to make online purchases as well and, actually going into the vape shop where I think that most retailers are pretty ethical, they are pretty sensible and they notice when there is a very young person in front of them that they really should not be serving, that does not stop a young person from going on Amazon to buy the Mary Jane pineapple flavoured sunset, whatever it is, disposable vape that they are finding so attractive.

How are we going to ensure that we are policing that to the extent that we need to when packages are coming in on an individual basis because those vapes will not be coming in in big

2860 boxes. That is something that I think we should be thinking about and I would like some reassurance about that.

But I really do hope that we get the community support for this and also retailer support because whilst we have some very good retailers, I also know that there are some pretty unscrupulous ones and it is just about turning the profit for them and they do not really care who they sell to, whether it is illegal or not. I would hope everyone really gets behind this legislation.

Thank you very much.

**The Bailiff:** Deputy Leadbeater.

2870 **Deputy Leadbeater:** Thank you, sir.

In answer to Deputy de Sausmarez and Deputy Dudley-Owen about the publishing of Committee responses, I think our policy team reached out to the Committees for their permission to publish those responses and there were several Committees that had not responded. I think that is the reason why. Just to put that on the record.

2875 Everybody is going to support this. Everybody realises that this is something that we need to get a hold of. This is something new to the Island. Every time we get something new, we have to react and respond. We did look at tacking this onto the Tobacco Control Law but as the policy letter says this is a very fast moving industry and tobacco companies could just take the nicotine out and then it completely bypasses that legislation. So creating a proper, primary enabling Law is the only way to properly address this.

2880 One thing that we are not certain about is the long-term dangers of vaping. Vaping, or e-cigarettes, initially came along as an alternative for smoking, a smoking cessation measure. They have evolved into being far more than that now, as we are all aware and this is probably the main driver while we are here now because we have got young people that are getting drawn in by these organisations because they want to make a profit.

2885 On Monday, there was a study released. Because we are such a small jurisdiction, we have to look elsewhere for evidence that we would not necessarily gather ourselves. There was a conference on Monday, put on by the American Thoracic Society, when there was a recent study – quite a recent study; it is a study that has been going on for quite a few years now, about vaping and about the use of vaping by people that want to give up smoking and the effect that may have. This was conducted by a guy called Yeon Wook Kim, who is Assistant Professor, Division of Pulmonary and Critical Care Medicine, Department of Internal Medicine, in the Seoul National University, Bundang Hospital, Seongnam, in the Republic of Korea, which was not that easy to say!

2890 But if I could just read out this, the American Thoracic Society's press release about this and it can give you a flavour of what we can expect if the studies go on and what we are starting to find out about the long-term use of vaping.

Former cigarette smokers who use e-cigarettes or vaping devices may be at higher risk for lung cancer than those who do not vape, according to research published at the ATS 2024 International Conference. "This is the first large population-based study to demonstrate the increased risk of lung cancer in e-cigarette users after smoking cessation," said corresponding author Yeon Wook Kim, MD, assistant professor, Division of Pulmonary and Critical Care Medicine, Department of Internal Medicine, Seoul National University Bundang Hospital, Seongnam, Republic of Korea. E-cigarettes have gained popularity globally as an alternative to conventional cigarette smoking, and some smokers turn to vaping to help in smoking cessation. However, there is little knowledge about the long-term consequences of vaping, and epidemiological evidence for the association between e-cigarette use and lung cancer is lacking. Biological studies suggest the possible dangers of e-cigarettes, including pulmonary toxicity and lung cancer ... E-cigarettes and heating elements have been shown to contain carbonyl compounds (e.g., formaldehyde, acetaldehyde, acrolein and diacetyl) and toxic metals (e.g., chromium, nickel and lead), which are known to be carcinogenic.

They are also present in conventional cigarettes. Results indicate, 'when integrating smoking cessation interventions to reduce lung cancer risk, the potential harms of using e-cigarettes as an alternative to smoking must be considered, said Dr Kim.



To determine these individuals' risk, the researchers evaluated 4,329,288 individuals with a history of conventional smoking who participated in the Republic of Korea's National Health Screening Program at two time points: 2012-2014 and 2018. They conducted follow-up in December 2021. The research team categorized participants into six groups according to their smoking history and habit change. They used statistical analyses to assess each group's risk of developing lung cancer and of dying from it. During follow-up, they found that 53,354 individuals had developed lung cancer and 6,351 died from lung cancer. Ex-cigarette smokers who had quit five years or more and used e-cigarettes were at greater risk of lung cancer-related death than ex-smokers who had quit five years or more and had not used e-cigarettes. For smokers who had quit less than five years, those who used e-cigarettes were found to have both a higher risk of both lung cancer and lung cancer mortality than non-e-cigarette users. Dr Kim and colleagues also conducted a stratified analysis in which they looked at individuals ages 50-80 with a smoking history of 20 or more pack-years, because these individuals would be likely to be referred for lung cancer screening according to the 2021 US Preventive Services Task Force.

2900 Ex-smokers in this group who had quit smoking for five years or more and used e-cigarettes reported a higher risk of both lung cancer and lung cancer-related than those who did not use e-cigarettes.

In addition, ex-smokers who used e-cigarettes and had quit smoking less than five years before had a higher comparative risk of lung cancer. The authors conclude that, 'Clinicians must highlight the potential harmful effects of alternative e-cigarettes use when integrating smoking cessation interventions to reduce lung cancer risk.'

2905 So he added that the team now plans to extend the follow-up periods to further the evidence in this area. Basically, what I am long-windedly saying is there is little evidence on the long-term use of vapes but the evidence that is emerging from other jurisdictions that are conducting these studies suggest that there is quite a risk and there is a risk similar to that of lung cancer just not quite as damaging and not quite as much as cigarettes.

2910 I think this piece of work that we have brought forward now is important in many ways, We are trying to reduce the addiction of younger people coming forward because we know that nicotine is very harmful and we also know that they can take the nicotine out, which okay might not be as addictive but we have heard from Deputy Dudley-Owen that there is peer pressure from younger people to use these things and it is quite cool, apparently, to be using some of these devices, in younger eyes.

2915 There is little evidence available to us but the available evidence that we have and is coming forward suggests that vaping can cause lung cancer and long-term respiratory problems so I would just like to put that on record, thank you.

**The Bailiff:** Deputy Soulsby.

2920 **Deputy Soulsby:** Sir, I was not going to speak, as was famously said, but I thought I should stand just to thank Deputy Leadbeater for his contribution. That was absolutely fascinating and really concerning. This is great. Of course I will certainly support this policy letter as I am sure I would hope it would have unanimous support. But it is only a policy letter. The key element here is making sure that we get the legislation in and we know that does not necessarily happen very quickly but we know that when we need to we can.

2925 Certainly from my point of view, I hope we can really fast track this legislation. The longer we leave it, the more we put people at risk, in particular our young people. The tobacco companies have got into it, they have seen an opportunity and they have run with it and the faster we can stop that and put in legislation, the better, so I will certainly be pushing for the legislation to come as quickly as possible.

2930 **The Bailiff:** Deputy Trott.

2935 **Deputy Trott:** Sir, very briefly, the Policy & Resources Committee has previously provided its support to the policy letter and the intention to legally define vapes and regulate their importation, advertisement, sales, supply and consumption. But relevantly, sir, there is evidence that fiscal or

pricing policies can have a positive impact on health through disincentivising consumption and as part of the 2024 Budget, the States agreed to endorse the intention of the then Policy & Resources Committee to propose the introduction of a levy on disposable e-cigarettes.

Members may be interested to know that this is being explored as part of preparations for the 2025 Budget, including the application of an interim levy on disposable vapes until such time as a ban is in place, as well as a permanent levy on non-disposable-e-cigarettes, with the view that tobacco would continue to remain significantly more expensive. I hope that is helpful.

Thank you, sir.

**The Bailiff:** I turn back to the President, Deputy Brouard, to reply to the debate, please.

**Deputy Brouard:** Thank you, sir, and thank you for all the comments we have had. I just want to pick up on one from Deputy Gollop to start with when he was addressing the amendment, 4.10 in the policy letter deals with some of the exemptions, and also 4.18, some of the exemptions for mental health facilities and 4.19 with regard to the Prison.

I thank Deputy de Sausmarez, disposable vapes in particular, that difficulty in recycling them and littering things as well. That is a real problem with them. Deputy de Lisle, you raise a very interesting point and you are right on point. We are going to be following in the main what we have done with tobacco, so if you are going to a supermarket you will not see a big, colourful sign saying buy your vapes here, it will be a behind closed doors type of thing.

The only other issue that we have got is that there are some shops that just do vapes only. In that respect there may well be an exemption that they can put a sign up that says vapes outside or something of that sort. But of course anybody under 18 will not be able to go into those particular shops because they will be restricted just to that. I think also another part is we may also then go onto packaging, which is again, people see the nice bright colours and they look pretty and things. That is almost a secondary part that might well come in that we will put some restrictions onto the packaging.

Deputy Cameron, thank you very much for your support. Deputy Prow as well. He mentioned again the attractive packaging. That may well come. And the shops where it is just adults only that can go in.

I very much take your point about working closely with the Border Agency and Trading Standards when we introduce the legislation so obviously the two Committees will liaise to make sure that we can pick up on Deputy Dudley-Owen's point about how we capture the Amazon order or whatever and of course we have got the exemptions for prisons because there are some other issues there which we need to tackle and vaping is not necessarily the major one, it is rehabilitation of the offender.

Deputy Dudley-Owen, very pleased with this coming forward. Happy to share the consultation with States' Members but as my Vice-President very kindly said we did not, unfortunately, get all of them through in time. I very much appreciate the difficulties you have in schools so I hope this goes some way to take some of that peer pressure away.

Deputy Leadbeater, thank you for your contribution. I know nicotine is very addictive in its own right. I am still a smoker, I just have not had a cigarette for 15 years. It would not take long, you walk behind somebody in the high street and the whole memory comes back straight away, so it is a very addictive drug and if we can stop children getting hold of it in the first place, so much the better.

I thank Deputy Soulsby for her support and also to help us with the legislation to get that through as soon as possible and for Deputy Trott with his fiscal hat on to help with pricing policies, again that is another way that we can try and prevent our young people from getting hold of vapes and having long healthy lives so that they do not also need to use our services in HSC later in their term.

So, please, support the policy letter and thank you very much for the debate.

2990      **The Bailiff:** Members of the States, there are four Propositions. Does any Member wish to request that any of those four Propositions be taken discreetly or can I simply put all four to you together? Nobody is rising to request any particular Proposition to be taken separately, so therefore I will put all four Propositions to you, Members, and I will invite the Greffier to open the voting in respect of all four of them, please.

*There was a recorded vote.*

*Carried – Pour 34, Contre 0, Ne vote pas 0, Did not vote 2, Absent 4*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>DID NOT VOTE</b>	<b>ABSENT</b>
Aldwell, Sue	None	None	Le Tocq, Jonathan	Ferbrache, Peter
Blin, Chris			Queripel, Lester	Meerveld, Carl
Brouard, Al				Oliver, Victoria
Burford, Yvonne				Roffey, Peter
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Leadbeater, Marc				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Moakes, Nick				
Murray, Bob				
Parkinson, Charles				
Prow, Robert				
Roberts, Steve				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

2995      **The Bailiff:** In respect of all Propositions, Proposition 3(e) having been amended, there voted in favour, 34 Members; no Member voted against; no Member abstained; 6 Members did not participate in the vote and therefore I declare all four Propositions duly carried.

**COMMITTEE FOR HEALTH & SOCIAL CARE**

**9. Prohibition of smoking in vehicles carrying children,  
and growing tobacco –  
Propositions 1, 2, 4 and 5 carried as amended**

*Article 9.*

*The States is asked to decide:-*

*Whether, after consideration of the Policy Letter entitled "Prohibition of Smoking in Vehicles Carrying Children, and Growing Tobacco," dated 8th April 2024 it is of the opinion:-*

*1. To agree that it should be a criminal offence for a person to smoke a tobacco product in an enclosed motor vehicle carrying a child and create criminal offences relating to this, as set out in paragraphs 4.20 to 4.21 of this Policy Letter.*

*2. To agree to create a Band C fixed penalty offence for the offences referred to in Proposition 1 under section 7(2)(a) of the Offences (Fixed Penalties) (Guernsey) Law, 2009.*

*3. To agree to prohibit the commercial growing of tobacco in Guernsey by making it a criminal offence, liable to a fine not exceeding level 5 on the uniform scale, subject to exemptions considered appropriate by the Committee for Health & Social Care.*

*4. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.*

3000 **The Deputy Greffier:** Article 9, Committee for Health & Social Care – Prohibition of smoking in vehicles carrying children and growing tobacco.

**The Bailiff:** I will invite the President of the Committee, Deputy Brouard, to open the debate, please.

3005 **Deputy Brouard:** Thank you, sir.

This is the second bus of the afternoon. Tobacco smoking remains one of the most important causes of preventable ill health and death; 13% of the population in Guernsey smoke and we have not seen a reduction in smoking prevalence for about 10 years. This tells us that we have work to do and I am pleased to present the Committee's second policy letter to you, setting out its recommendation to ban smoking in vehicles carrying children.

3015 There is no safe level of exposure to second-hand smoke. It has long been established as carcinogenic and the States has passed legislation to protect us from it in workplaces and other buildings, on aircraft and public transport. We have not, however, protected children from second-hand smoke in the most dangerous of circumstances, inside a car.

The Bailiwick is the only British jurisdiction not to have banned smoking in vehicles carrying children, having previously been a leader in tobacco control. The concentration of toxins present in a car when someone is smoking, including when all windows are open, is higher than the concentration of toxin in pubs prior to the indoor smoking ban.

3020 Children exposed to second-hand smoke are more likely to smoke themselves and suffer with respiratory infections such as pneumonia, bronchitis, asthma, ear infections and Sudden Infant Death Syndrome – cot death – can be caused by second-hand smoke exposure.

3025 Measures to prevent second-hand smoke exposure to children will therefore prevent health harms and de-normalise smoking to young people. Because we know that young people growing up with parents or carers who smoke are four times as likely to become smokers themselves and children do still take up smoking because our smoking prevalence has plateaued at around 13%.

3030 Not only are children vulnerable to health harms but they have a lack of control over their environment and they too have a right to the enjoyment of the highest attainable standards of health. Guernsey's commitment to children's rights is set out in various strategies and conventions, the Children and Young People's Plan, the United Nations Convention on the Rights of the Child,

the World Health Organisation's framework on tobacco control, Combined Substance Use Strategy, extant Resolutions from the States, including where this piece has come from, from 2017.

We have existing powers to ban smoking in cars carrying children by Ordinance of the States. We will make several reasonable adjustments. But the focus of the Law is to change behaviour, not to chase prosecutions. Our smoke-free legislation has been a success in changing attitudes to smoking and we have no reason to believe that this legislation will be any less effective in that respect.

The Committee is also taking the opportunity to ban the commercial growing of tobacco in Guernsey, having been aware of speculative interest in this area. This aligns with articles of the WHO framework convention on tobacco control. I hope you can support the Propositions in this policy letter and I believe there may well be an amendment again, I think by a majority, our Committee is in favour of supporting it.

So, thank you very much, sir.

**The Bailiff:** Members of the States, there has been an amendment submitted to these Propositions. As Deputy Roffey is not here, I understand that Deputy de Sausmarez will now propose it and it will be seconded by Deputy Prow.

So, Deputy de Sausmarez, do you wish to move Amendment 1, please.

[Amendment 1](#)

*1. To insert an additional Proposition:*

*"5) To instruct Committee for Health & Social Care to investigate the possibility of increasing the age of persons to whom it is legal to sell tobacco or tobacco products in Guernsey, and to report back to the States with any proposals they deem appropriate as soon as practicable, but in any event no later than the end of 2025."*

**Deputy de Sausmarez:** Thank you, sir, and, yes, this would have been proposed by Deputy Roffey. So I will try, when I open on the debate, to be as true as possible to what he would have said and I am very grateful to Deputy Prow for seconding it.

Voting for this amendment would not be voting to increase the age of people to whom retailers could sell tobacco. It would simply be asking HSC to look at the matter and report back before the end of next year. Hopefully it could be done much sooner than that. I understand that HSC, by a majority, support the amendment, so I suppose a cynic might ask why do they need a States' Resolution telling them to look into something that they are already happy to look into, couldn't they just do it anyway?

Having met with representatives of Public Health, Deputy Roffey and I think that the answer lies in the deployment of limited resources. Public Health think that this line of inquiry is a very good idea but as it will obviously require some of their time they only want to do it if there is an indication that the States are willing to seriously consider such a move.

So if Members are pretty sure that they could support increasing the age of people to whom tobacco can be sold then I would encourage them to vote in favour of this amendment. If they are rather more doubtful but have an open mind, then I would strongly encourage them to support this amendment as well. But if there is anyone who is absolutely sure that they could not ever support such a move in a month of Sundays, then I advise them to vote against because we would not want to squander Public Health's precious resources.

But we consider that it is timely to consider this move for two reasons. Firstly, it looks certain that the UK is going down this road. We should never just ape what the UK does but it does make the matter at least worthy of consideration. Far more importantly, there is a case for such a move from first principles.

There is a strong argument that people should be free to do whatever they want, as long as it harms no one else. But it is reasonable to make an exception for tobacco. Why? Well, firstly it is not at all clear that people are exercising their personal freedom when they smoke, rather they are

satisfying a powerful addiction and that is something that Deputy Brouard has actually just referred to in the summing up on the previous debate. The statistics show that very few people take up smoking at what might be called a mature age. Smokers typically take up the habit when they are relatively young. The statistics also show that the majority of older smokers sincerely wish they had never started.

In a similar vein, those who have run focus groups on this issue with young people locally have reported that there is surprisingly strong support for the idea of increasing the age limit for the sale of tobacco because it reduces the peer pressure on them to take it up in the first place.

Secondly, I am not at all convinced that smoking only harms the smoker and therefore is no one else's business. A huge theme politically and socially in the years ahead will be the need to ration limited funds available for healthcare. Indeed, this debate is already underway and has been for some time and of course again it has just been touched on by Deputy Brouard himself. A practice, which puts enormous pressure on health services, is effectively depriving others of the treatment that they might otherwise have had.

If, after consideration of this issue, HSC does decide to recommend increasing the age of people to whom tobacco can be sold, this amendment is non-prescriptive on how that should be achieved. We know that in the UK the suggestion is that the restriction should apply to anyone born after a certain date. In effect, the legal sale of tobacco would be phased out altogether over the decades ahead to create a smoke-free generation.

Deputy Roffey, the original proposer of this amendment, thinks that this approach has merit but in his view it perhaps goes too far. He is certainly supportive of a gradualist approach, saying that it must be better than suddenly putting up the age for buying tobacco in one single jump, from 18 to, say, 21, which would obviously mean that a cohort that one day could legally be sold tobacco suddenly would not be able to, which would clearly be problematic.

Deputy Roffey's only issue with the UK approach is that he is not fully convinced that in 40 years' time at its full extent it will be necessary to prevent tobacco being sold to people in their fifties. He prefers legal restrictions on people's freedom to be as light as possible and, as very few take up smoking after their mid-twenties, he thinks the UK approach might be a little over the top.

But my view is that this is exactly the kind of issue that the more detailed work will examine, I am sure, should this amendment be successful. Either way this is not the time to debate the nuts and bolts of how we think any age limit should be introduced, rather it is the time for deciding if there is a *prima facie* case for raising the age from the current 18.

Now some might say that it is wrong in principle to restrict what an adult can do but the response to that is to ask what is an adult? We have all sorts of different ages at which we can do this, that and the other. We can ride a small motorbike at 14. At 16, you can ride a bigger motorbike. You can vote, you can get married. But you cannot buy alcohol or tobacco until you are 18. If by any chance you wanted to stand as President of the United States, as well as needing to have been born there, you need to be aged at least 35, although that clause seems to have been misinterpreted as 75 at the moment! So there does not seem to be any chronological magic about the age of 18.

Others have said stopping the sale of tobacco to younger Islanders will not stop them getting hold of cigarettes. After all, children under 18 smoke now. And that is quite right, this would be no silver bullet. But it would narrow the vector of opportunity for young people accessing the drug, particularly as the anecdotal evidence is that those under 18 often access tobacco via young people over that age.

One thing is clear from the stats. Each time Guernsey has brought in a significant new bit of legislation aimed at reducing smoking, the prevalence has dropped markedly. But between those events, despite all of the education and the sterling efforts of Quitline, the numbers remain pretty much static.

To recap, this amendment does not seek to raise the age limit for the sale of tobacco. It would merely direct HSC to explore whether or not it is a good idea to do so and, if so, how it might best be implemented. I hope therefore the Assembly will support it.

Thank you.

**The Bailiff:** Deputy Prow, do you formally second Amendment 1?

3130 **Deputy Prow:** Yes, I do, sir, and I am happy to speak now, should you allow me to do so, sir.

**The Bailiff:** I am just going to pause briefly to see if there is any procedural motion. But there is not so if you wish to speak then please do.

3135 **Deputy Prow:** Thank you, sir.

I am very happy to be called in off the bench as a substitute seconder to this amendment and, through you, sir, may I wish Deputy Roffey a speedy recovery?

3140 May I start by congratulating Deputy de Sausmarez on what I thought was a very balanced opening speech. In my view it is imperative that any government does all it can to prevent its population from harm. This responsibility rests with all of us, not just HSC and Public Health. This amendment is simply proposing an investigation into the possibility of increasing the limit for the age of sale of tobacco or tobacco products. The aim, to further reduce the overall prevalence of smoking, making tobacco products less readily available to young people.

3145 My concerns and support for the amendment are endorsed following my reading of a highly, critically acclaimed book, which I recommend, written by Richard Kluger, entitled *Ashes to Ashes*. This is a history of America's 100-year 'cigarette war'. The book vividly portrays the ironic success in developing the cigarette, modern society's most widespread instrument of self-destruction.

3150 It evidences the success of cigarette makers, based upon what it calls cunning business strategies, marketing dazzle, deft political power plays and relentless attacks on forces in science, public health and government. This battle is a global one. Society was wound up in a disastrous dilemma where ordinary people suffer and governments too often responded with legislative cowardice. Smoking is a killer and places massive demands in Guernsey upon our health services and in costing many millions.

3155 That is the tragic history in consideration of this amendment and others, which introduce regulations, which are aimed at Public Health initiatives. We need to heed those lessons, including considering new commercial products, which are fast emerging, aimed particularly at young people, that contain the highly addictive substance nicotine and other substances.

3160 In this, prevention is key. This requires a combination of education and legislation. I have to say in my opinion, with regard to tobacco, Guernsey has done much better and acted more quickly than many other jurisdictions. We were the first place in the British Isles to impose a complete ban on tobacco advertising in 1996 and in 2006 banned smoking in enclosed public spaces.

3165 Our prison became the second prison in Europe to ban smoking, three years before the rest of the British Isles caught up. We have, through an evolving Public Health strategic approach, reduced smoking, evidenced by the HSC's policy letter brought before us today. This should be applauded. However, as Deputy de Sausmarez has clearly outlined, we need to do more. The amendment before us supports these initiatives and I urge Members to support it.

Thank you, sir.

3170 **The Bailiff:** Deputy Gollop.

**Deputy Gollop:** I feel a bit like a dinosaur at the end of the road, here, wanting perhaps to have a little bit of a smoking break! I agree with Deputy Prow, *Ashes to Ashes* are looking to funk the funky, you know, and it makes me think, though, that Deputy Prow understandably has been a stiff opponent, an effective opponent of people smoking illegal drugs on the Island, cannabis, and we are proposing through the back door here of a mechanism where tobacco will be illegal, eventually, for young, or even not so young adults. And I have concerns about that.

Because actually Deputy de Sausmarez made an extremely reasonable case. This is not in any way creating an instant ban. It may not come back until the new Assembly of late 2025 and she

pointed out Deputy Roffey's views, maybe it is targeted not on prosecution but on prevention and should not necessarily apply to the older smokers.

And I accept all of that but I propose, although I would not close my mind to this, because we had an excellent presentation last week on public health but I think Public Health, to win the day in terms of more and more resources, needs not just to prioritise legislation, which is good value for money, we were told, but to be effective in many other spheres, for example diet, the food industry, possibly the drinks industry, and I think that tobacco is perhaps singled out and the good work of Public Health needs to be put in a libertarian context.

Deputy de Sausmarez rightly mentioned the direction of travel in the United Kingdom. The current Prime Minister, Mr Rishi Sunak, there is talk of an election earlier rather than later, but he put his views on the line at the last party conference and said he wanted this ban as a vote of conscience. Not all of his party agreed but generally the Labour Party agreed and so it is likely to become, well it has been approved, to become solid legislation in the UK.

But the United Kingdom is not the first place to consider this, it was the inspiring government of labour/green premier really, Jacinda Ardern, from New Zealand. But she retired and a new government has come in of a more conservative flavour, that appears to have lost interest in the project.

I think there are legal issues here because although we know that the focus will be on prevention rather than prosecution, we know that the Police and other agencies have to prosecute if they believe an offence to have been committed and the Courts get involved and criminal records get involved. I spoke to a retailer earlier today who, whilst he might have supported the principle of it in health terms, he could see issues of operational effectiveness, like a licensee in a pub, perhaps.

The difference would be, I know in America, Deputy de Sausmarez mentioned presidential ages in America, perhaps, but the difference would be of course that in some American states like Texas, you cannot buy alcohol until you are 21 in a licensed establishment. Here it is 18. But the age here for tobacco could be 21 or even 25. It would go up each year under the model.

So you would have somebody who was legally an adult, a parent, maybe of school age children, maybe a lawyer or whatever, and they would not actually be able to buy tobacco if they were 36 but they would if they were 37 at some unspecified point in the future and I think that could encourage judicial review, as well as issues of policing. So that is a concern.

I do support the broader policy work of the cars because the young people are innocents, they are passive smokers. Weirdly enough this particular legislation allows defences but it does not appear to allow Health & Safety to change those defences. There is work to do on the general principle of the legislation.

Coming back to age, I know I am being a bit picky here but the amendment as it reads instructs the Committee for Health & Social Care to investigate the possibility of increasing the age of persons to whom it is legal to sell tobacco or tobacco products in Guernsey and to report back to the States with any proposals that are deemed appropriate, seen as practical.

That has not specified necessarily the UK route, which is a year and a thing. We could actually come back and say nobody under 60 should be able to buy cigarettes. Now that would be interesting. That would create a different way. It would allow older people who, despite damage to their health, would continue, but younger adults would have to consider.

It is a very broad amendment and that perhaps concerns me as well. Even if I vote against it I think it will come back because I am sure future Assemblies will consider, in conjunction with Home Affairs and other parties, the effectiveness of this and we will have more wisdom by then, and knowledge of whether these work and whether they are desirable from a legal or human rights point of view or whether other things can be done which are not as effective.

I always give a slight defence to the smokers, people like me, in that some people smoke because maybe they do not take or are not allowed to take alcohol or they have mental health or emotional or behavioural conditions and I think that should be factored in, despite the brilliant work on prevention that Health & Social Care both do and support.



3230 I suppose one final point, if I had a more general point, it is ironical that we will close down a commercial tobacco industry before it even gets started when we have a history of tobacco importation and warehouses and you will see tobacco leaves on our leading markets building as some kind of historic tribute. But the more serious point here is I had been to one of these medicinal cannabis events where people have talked about the rights and wrongs of partial decriminalisation or legalisation and I am of the belief that for some people, particularly younger people, cannabis and its derivations are probably harmful, potentially, but I nevertheless want a debate on that and perhaps a libertarian balance between different positions.

3235 It seems to me not only have we put off that debate this term, but going with our eyes open into this would actually complicate matters more. I think now the UK government are going down this line. It will be even harder for them to have a debate any time soon on following other countries in Europe or North America, or the States, whereby there has been a decriminalisation of cannabis. I note in Thailand that they decriminalised rather rapidly and then suddenly criminalised again because it proved to be harmful in their eyes. But –

I will give way to Deputy de Sausmarez.

3245 **Deputy de Sausmarez:** Thank you. I am very grateful to Deputy Gollop for giving way and I do appreciate that I will have the opportunity to reply. But I am just a little bit concerned that there might be the wrong end of a stick having been grasped here and I just wanted to clarify, to hopefully assuage any fears that Deputy Gollop might have that this is absolutely not about criminalising young people. It is to investigate the possibility of changing the age of people to whom tobacco can be sold. So it is about the sale, not the use.

3250 It is not about criminal records for young people. It is not about criminalising that activity, it is simply about reducing the availability to young people and also the explanatory note does make very clear that this is about young people, not necessarily 60-year-olds. I just hope that I can put Deputy Gollop's concerns to bed in those respects.

Thank you.

3260 **Deputy Gollop:** I was just suggesting the wording was open to that interpretation, although I think it is common sense really it is for people who perhaps have been born post the millennium. But nevertheless, what is the figure in the UK, 2007-08 births, so we are talking about people who are teenagers currently but they will be 18 relatively soon.

3265 I accept, Health & Social Care may choose to go further than this, not just whether it is legal to sell but legal to possess or legal to supply and the like from friends. But I do appreciate the distinction that it is not necessarily being suggested that it would be illegal for a young adult to possess tobacco, it is more focused on the retailer and indeed, last night at the Co-operative meeting and I go there regularly, it did strike me when I was leaving, I was thinking maybe one of us should have questioned should the Co-operative Group be selling tobacco, long term? I am glad they do but there is an ethical argument there, like there is with other retailers.

3270 My issue here, though, is this legislation would treat this drug differently from other drugs, which will be interesting because clearly we do not have that kind of regime with cannabis and my other point here, I made the point about the parallel, there is, as somebody pointed out at the Committee meeting I was at recently, there is a little bit of a grey area because you can have the legislation for Guernsey but what about somebody bringing in tobacco legally, through the Duty Free route, from France, and the issue of whether people who have contracts with the States of Guernsey, like transport operators or even state-owned transport providers or shops should be selling these tobacco Duty Free products.

3275 That is another debate. We would also have to compensate for loss of revenue from these cigarettes as well because this, if it worked, would be declining our revenue long term. Okay, you can tell I am not keen on it but I think it is an interesting subject for debate, at least.

3280 **The Bailiff:** Deputy Dudley-Owen.

**Deputy Dudley-Owen:** Thank you, sir, and it has been interesting listening to Deputy Gollop arguing with himself and weighing up the pros and cons. I think probably capturing some of the thoughts of many in the Chamber. I am sure that people are weighing this up about libertarian and stepping on people's toes in terms of their freedom of choice but on the other hand, taxpayer money has to pay for some of the repair work when it all goes wrong and you possibly get a serious disease as a consequence of tobacco addiction.

But for me, and I have those arguments as well, here, I do not really want to be Draconian on people but equally so I do not want to see young people taking up a habit which they do not really need to, although they would actually probably like to.

In 1.6 of the policy letter, I think it gives a sentence in there, two sentences, that are really key to this amendment and that is:

It is rare for an adult to take up smoking – smoking is a childhood addiction which manifests disease in adulthood. Central to preventing uptake of tobacco smoking in children is de-normalising smoking. This is effectively achieved by creating smokefree environments, alongside the other established tobacco control policies that the States has implemented.

And you could probably say ... or can implement. And this is the can implement. Deputy Gollop's weighing up of all the various arguments, well what actually I would expect to see in the report coming back, so that we can explore some of those issues, the benefits, the pros, the disadvantages of this and I think that most people in this Chamber are pretty reasonable. We are all representative of various people within the Island, we have got a divergence of views on some things and a convergence on others.

We are all pretty pragmatic and realistic that young people do like to pick up these things and experiment but, actually, do we want them to become addicted and their ill health? What we should also have our eyes on is the burgeoning and increasing bill of healthcare costs in Guernsey. North Europe is suffering the same, and is this another way to reduce that or counter it?

However, Deputy Gollop very rightly, in my view, homes in on the focus on tobacco. Why tobacco? Why not ultra processed food? My goodness, the health issues around ultra processed food. And please, maybe Health & Social Care could bring a debate on that and whether we are trying to persuade food manufacturers. But that is beyond the gift of this Island. But certainly it is something we should be really worried about, our young people, their intake of the food. Also alcohol. Is that something that we should also be talking about, increasing the age there?

I think there are pros and cons through this but, on balance, for me, I am happy to have the report coming back. I think it is clear from what is said in the policy letter, there is probably an awful lot of research that has gone into this which would support that report and I hope that it would not take too much resource to come back with that and I wait to hear through all the rest of the debate to confirm that.

Thank you.

**The Bailiff:** Deputy Inder.

**Deputy Inder:** Sir, I am not normally a fan when it comes to the end of the term of a previous Assembly trying to direct what a future Assembly might do; 18th June next year is a factory reset, it is as simple as that. No one knows, at the moment no one knows, who is going to stand or who indeed is going to get in.

But in terms of smoking, people who do smoke, I do not think, as Deputy de Sausmarez said, there is anybody that is going to be particularly proud that they started so young. Under normal circumstances, I would reject something like that purely for the practical reasons that it is coming through an election and, secondly, there is an element of 'whataboutery', which we could have brought in, as Deputy Dudley-Owen did and Deputy Gollop.

But it is what it is. Opportunities turn up when opportunities turn up so hence this amendment is here, why it is here today. For that alone, I will be supporting the amendment and, sir, if you do not mind, I am going to just talk in general debate.

3330 When I read the headline, I read 'Prohibition of smoking in vehicles carrying children and growing tobacco'. Now I know some of the traffic queues along the front are quite long sometimes but I never thought you could grow some tobacco from Bulwer Avenue by the time you got into St Peter Port! I think Health have been a little bit naughty, to be perfectly frank with you. I know what this really is. This was initially about prohibition of smoking in vehicles. We knew this was  
3335 coming and it is entirely the right thing to do.

But Proposition 3 talks about to agree to prohibit the commercial growing of tobacco in Guernsey by making it a criminal offence, liable to a fine not exceeding level five on the uniform scale, subject to exemptions considered appropriate by the Committee *for* Health & Social Care. When we get to the final vote I will not be supporting that and I will give some reasons for this.  
3340 They are not very good but they are my reasons and they suit me fine.

If I can draw Members' attention to 5.2 of the policy letter and the Committee is aware of 'speculative interest' in growing tobacco in Guernsey. I was as well. It came, I think it was via Home actually. Either via Home or via Health I was aware that someone had made an application to grow tobacco in a greenhouse in Guernsey and panic sets in so I think what Health have done, they have  
3345 just bolted this on the end. That is exactly what they have done. They have tried to stop the growing of tobacco and the cultivation in Guernsey.

But they then go on to say that they wrote to the Committee *for* Economic Development and the Committee *for* Economic Development agreed. We did not agree. What we said is we did not have a strategy for tobacco cultivation. That is not the same as agreeing this, so Members of the  
3350 Committee *for* Economic Development did not agree for the prohibition of the cultivation of cannabis in the Island. What we were asked, weirdly enough, is do we have a strategy. I do not have a strategy on growing daisies. If someone turns up and says I want to grow daisies because they may be of medicinal value, the fact that we do not have a strategy on growing daisies in derelict greenhouses does not mean that you should not grow daisies in derelict greenhouses.

I think they have been a little bit naughty on this one. Actually, and this is a bit of a stretch, what it does not say is, commercial growing of tobacco in Guernsey for the purposes of processing in tobacco. As we move forward, and we have seen over the last 15, 20 years, there may be opportunities to use tobacco for different types of products, for the medicinal industry. You do not always have to grow tobacco plants in Guernsey and chop it up and stick it in a roll up. There are  
3360 other reasons for tobacco growing.

For that alone, sir, I will not be supporting that and I am disappointed that Health have mentioned Economic Development, saying they were for it because we were not for it, all we stated was we did not have a strategy on the matter so they have been, as I said, a little bit naughty on this. For that alone, I will not be supporting Proposition 3 but I will be supporting the amendment,  
3365 Propositions 1, 2 and 4 and I will not get into any 'whataboutery' as only recently –

No, I am going to stop right there because this would turn this into a two-day debate and I, like most other people, really want to get this over and done with because I cannot see too many people voting against this.

Thank you very much.

3370

**The Bailiff:** Deputy Leadbeater.

**Deputy Leadbeater:** Thank you, sir.

Interesting that the two Members speaking, potentially against parts of this policy letter are smokers themselves. Deputy Gollop points out that we have got a long history with tobacco. We have also got a long history with pulmonary disease and cancer and COPD but we do not necessarily want that to continue.  
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The Committee, by a majority, welcomes this, and it is broad. It is intentionally broad. It is not to say, go away and do the same as New Zealand has proposed to do. Okay, they wound back on it, which was also pointed out by Deputy Gollop but I think it is because New Zealand's proposals went further and they are a little bit more complex than that proposed by the Conservatives in the UK under the tobacco bill. That is the reason why they were rolled back.

If it was me personally, I am an ex-smoker, like Deputy Brouard, but I am the opposite ex-smoker to Deputy Brouard and now I cannot stand the smell of cigarettes, personally, and I am one of those really annoying anti-smokers now, used to smoke all my life and now I just tell everyone they should be giving up. I cannot help it, that is just the way that I feel at the moment.

I really welcome this because if it was up to me I would have had this included already in the policy letter and I think the only reason it is not there is because we had feedback from various Members of this Assembly that they were not keen. So it is a gradual, step by step process of trying to get to where we want to get to. As Deputy de Sausmarez points out, that per cent is static and we want to bring that right down. How we go about that, we are unclear at the moment. I think Public Health are in the same camp as me but we realise politics is the art of the possible and it probably was not possible to have the Propositions that they would have wanted in this policy letter today.

I think I welcome this amendment because this gives substance and direction to Public Health to go away and continue with the work they want to do and I would just like to encourage everybody to support it. Everybody knows that the Committee are not unanimous on this and I think the key reason is the same reason as Deputy Roffey, it is a civil liberties kind of thing. We have that argument to wrestle with going forward but I certainly, and I think Public Health too, really welcome this direction from the States and I would encourage everybody to support it.

Thank you very much.

**The Bailiff:** Deputy Dyke.

**Deputy Dyke:** Thank you, sir.

I thank Deputy de Sausmarez and Deputy Prow for bringing this amendment and for their perfectly reasonable arguments in favour of it. On the other hand I tend slightly more to the libertarian side on these things and I think Deputy Gollop has said an awful lot of what I would have said on this.

At this point, is it right, at the moment you have to be over 18 to buy tobacco products. So at 19, is one not responsible enough to make that decision when, at 16, one can vote, which has huge implications for the jurisdiction, potentially. Do we want to impinge more on the right to choose these things than we do already? Obviously, it is correct to ban cigarette products to youngsters but at the moment there is some talk of legalising cannabis. Cannabis normally involves smoking as well as psychotropic drugs, so how do those two mesh together?

We have got a States' Assembly where we have got a lot of regulatory items on the agenda and not much else, so we are in danger of creating a sort of regulation-fest here. On balance, all things considered, it seems to me that this is not the time to bring another regulation to the States. The Health Committee have huge issues on their plate already. Do we want to add another one? I think, probably not.

I hesitate to get into this discussion with Deputy Dudley-Owen about the costs of the illness that smoking can cause, heart disease, pulmonary diseases, etc. There is an argument that I have seen run, I will not comment on whether I agree with it, but I have seen the argument run that the cost to the health system of people dying from those illnesses is an awful lot less than people getting to 90 and then surviving with 10 years of Alzheimer's. I do not want to get into that argument; it would be distasteful. But that argument is there. It is an interesting argument.

I will rest there. I think I am going to vote against this amendment.

Thank you.

3430 **The Bailiff:** Deputy Matthews.

**Deputy Matthews:** Thank you, sir.

I intend to vote against this amendment and I would encourage other Members to join me in doing so. I intend only to speak to the amendment. I of course support the policy letter that my  
3435 Committee brings and the very good measures that the policy letter has in it. But my reasons to vote against this amendment are partly to do with defence of civil liberty but more so the promotion of individual responsibility.

This amendment asks HSC, my Committee, to consider the options to ban fully grown adults from purchasing tobacco products and HSC actually believes that we have already got the ability to  
3440 consider this so to some extent the amendment is largely unnecessary. I have no problem at all with the States making decisions like this in respect of children and I fully support various age restrictions we have in place to protect children from making poor decisions, which may affect the rest of their lives.

The age at which tobacco can be bought has already been raised from 16 to 18, to bring it into  
3445 line with other age limits and 18 has become accepted as the age that we tend to stop thinking of people as children and they gain the right to make decisions as adults, by and large. There is some variability there and not all age ranges are the same but 18 is generally accepted as that point.

We do have to accept that children grow up to become adult and have to start making their own choices about what is good for them and what is not. This is the point at which it is no longer the  
3450 role for the States to protect people from their own poor choices. There will of course always be some who make poor decisions, that is the nature of freedom of choice but trying to prevent that, in my view, is illiberal but to my mind is also counterproductive. We cannot always be there to make decisions for people and we cannot allow the idea to develop that the States will look out for people and prevent any bad decision-making throughout the course of their lives. At some point we have  
3455 to let go and accept that people make their own choices.

Encouraging that sense of individual agency is more important, to me, than the potential benefit that could be gained from something very extreme, like a total ban on smoking.

Actually, what we see is that over time, when given the right advice, people do make better choices. The smoking rates over the long term have reduced. Looking at the data for the UK, or for  
3460 Great Britain, the percentage of the population that smokes has reduced from 46% in 1974 – 46% of adults smoked in 1974 – to 12.9% in 2002. This is largely because people have taken heed of the warnings and the advice provided. There can be nobody around today who does not know that smoking is harmful.

While historically it was enormously unfortunate that people took up smoking in ignorance of  
3465 the harmful effects, I would challenge that it is impossible for anyone to do so today. I would suggest that not a single person who takes up smoking now does so unaware of the harm that it can cause.

In my view it is most effective when health authorities take the role of providing trusted advice and guidance for adults, to allow them to make their own decisions and that coercion should only  
ever be used as a last resort.

We see from the decrease in smoking that by and large the vast majority of adults, 80% or 90%  
3470 will take advice and will do what is best for their own health. There will always be a certain number, a quite small percentage, that are just unreachable, that do not want to take the advice from authorities. In my view, taking the decision power away from everyone, from the whole population, in order to try and reach that small percentage, presents more issues than it solves.

Smoking remains a significant public health concern but nowadays it is far from the only concern.  
3475 In many respects, other modern issues have overtaken smoking in recent years, such as the continuous rise in unhealthy diet and low levels of physical exercise that lead to higher levels of obesity and complications such as diabetes. This is something that has become a much bigger issue for healthcare authorities than it was back in 1974, when half the population smoked.

So there are potentially much bigger gains to be made now, by encouraging and facilitating  
3480 better choices in those areas of life. There are other areas, such as the effects on mental health, so

many aspects of the modern world, such as social media and the generally negative effects of our modern network world. This is a new and emerging area and much less understood. Globally there is a concern for the potential increase in the rates of suicide and the contribution to negative self-image and poor mental health.

For all of these difficult areas, it is important that authorities maintain their role as a trusted adviser and allows people to make their own decisions.

This amendment, of course, would pull resources, it would take resources away from the potential to look at those areas and concentrate it on this area of the smoking age restriction. In bringing this amendment, Deputy Roffey stated his wish that Guernsey remains in the *avant-garde* of policy making in this area, citing as an example our early decision to ban smoking in public places including pubs and restaurants. To this I would say two things.

Firstly, surprisingly, Guernsey is already in the forefront because so many countries have actually not followed suit and implemented a full smoking ban. According to the World Health Organisation's latest report, 74 countries have smoke-free policies that cover all outdoor places, which is up from 10 in 2007, and 88 countries have completely banned smoking in cafes and bars.

But there are still some 50 countries, which allow smoking, such as in designated smoking rooms. Among them Algeria, the Bahamas, China, Denmark, Estonia, Finland, Germany, Iceland, Japan, Korea, Malaysia, Poland, South Africa, Switzerland, several US states, Yemen and Zimbabwe. It is an odd list, it is not necessarily to do with how socially progressive countries are. By maintaining our ban on smoking we do actually remain to some extent in the forefront of a good deal of countries.

But secondly, the ban on smoking that was pioneered by California, that was introduced by the Republic of Ireland in Europe before we got to it, was more about promoting choice for people than about taking it away, because it was to do with restricting the choice being taken away from people for passive smoking, which is actually part of the thrust of this policy letter, to do with banning smoking in cars, which takes the choice away from people who have chosen not to smoke, to inhale other people's smoke who have taken that choice.

For that reason, I support measures which give people more choices about whether they choose to do something that is harmful to their health or not and I would resist those that would take choices away from people.

Thank you, sir.

**The Bailiff:** Deputy St Pier.

**Deputy St Pier:** You kept me in suspense, there, sir!

I rise really to respond to Deputy Inder's comments in relation to the consultation. Dealing first with the amendment, I do share some of the reservations that others have spoken about, about the inconsistency of different ages and Deputy Gollop and Deputy Matthews have spoken to that. There is nothing further that I can add. I will, however, support the amendment.

I think the key priority will be, should there be any proposals in due course to raise the age, there needs to be very clear evidence that actually raising it above 18 will have a material effect in the way that Deputy Dudley-Owen has indicated. I think, the experience of course is that many people do start smoking as children, including well below the age of 18, they are obtaining tobacco in other ways. So there has to be clear evidence that actually to ban it or to raise the age further will have a material effect. But I am happy that the amendment should proceed and the evidence should be gathered and presented, if indeed that is the case.

However, Deputy Inder said that the Committee had been naughty. Well, I was not on the Committee at the time this letter was prepared so I do not really know exactly whether he is right or not. However, just really looking at what the policy letter has said in relation to Economic Development's views and then referring it back to the consultation, all the policy letter says is the Committee has consulted with the Committee for Economic Development who confirmed 'it would not support the establishment of such an industry in Guernsey'.

The first thing to note is that actually in relation to the consultation on the various other tobacco controls and vaping measures, the Committee *for* Economic Development did not comment on that.

3535 They have only commented specifically on this aspect of control of a tobacco growing industry.

The question that was in essence put to Economic Development by the naughty Committee was that the establishment of a tobacco growing industry would be regressive and undermine continued tobacco control measures and is therefore strongly opposed by the Director of Public Health. The Committee is therefore considering bringing proposals to the States to recommend an amendment

3540 to the Tobacco Products Enabling Provisions (Guernsey) Law.

Prior to the development of a policy letter the Committee would welcome comment from the Committee *for* Economic Development. Other options were explored, such as raising excise duty on tobacco grown locally – I am now paraphrasing – but all options would require legislative change. The advice therefore is that steps should be taken to amend the primary legislation specifically

3545 relating to tobacco to address this matter.

Then the response that came back from Economic Development was short and sweet. The Committee has discussed the proposal and considered the potential benefit of a tobacco industry in Guernsey. It concluded that whilst the States did not tend to prohibit some other potentially harmful industries, tobacco cultivation is ‘not a sector that we are prioritising’.

3550 I think taking that language, not a sector that the Committee *for* Economic Development is prioritising and turning that into the language, which is in the policy letter, which is they confirmed they would not support the establishment of such an industry is not an unreasonable conclusion, it is not an unreasonable use of language. If the Committee *for* Economic Development wished to be unequivocal then they needed to have been so in their letter and they were not.

3555 To some extent we are splitting hairs here, but as a new Member of the Committee I am anxious that they should not be beaten up for no good reason, even though we do know Deputy Inder always likes a good punch up if he can find one! On this occasion, I think there is probably not too much of a basis to his objections.

3560 **The Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Thank you, sir.

It is funny, I had this premonition that when Deputy Dyke stood up he would mention libertarianism and he did not disappoint me. I can understand it. It does look like big government.

3565 Just let people get on with their lives. And I agree that government should not intervene unless there is clear evidence that it should. When it comes to tobacco there is plenty of evidence.

Deputy Dyke is passionate about the States cutting its costs and we are spending too much money and we should see what we can do wherever we can. But we know that the greatest potential for cutting costs is in health and social care and the best means of doing that is through prevention

3570 and early intervention.

Tobacco is the biggest cause of preventable ill health and death on the Island and it costs us tens of millions of pounds a year managing it, through people having lung diseases, cancers, circulatory issues, having to do various forms of radiotherapy, cancer treatments, amputations and suchlike. All the evidence is there that libertarianism is one thing but when it is costing the Island a

3575 lot of money we should be taking what measures we can, seriously.

I understand Deputy Matthews’ comments about personal responsibility and that is often the way but I think it is interesting at the recent presentation by Public Health, which I thought was excellent, they talked about how social responsibility just was not enough. And we have seen that. We know that, as the policy letter has said, tobacco smoking and population, who still smoke

3580 tobacco, stuck stubbornly at 13% for the last decade.

That must mean that more people are taking up smoking, young people are taking it up, because as has been said so far, it is very rare for people to take smoking up again when they are older. Just because it is bad and that is fine, people know that it is bad, is not an excuse. I think Government

3585 does now have a responsibility to change things because we are clearly seeing that, in this day and age, when we know how bad tobacco is, how can people still be using it?

It is no coincidence that other jurisdictions are looking to do more to prevent people, young people especially, taking up tobacco smoking, so I welcome this amendment and, I know it is not particularly to bring anything in, just to investigate, but I think it is something that we should be looking at now.

3590 **The Bailiff:** Deputy Mahoney.

**Deputy Mahoney:** Yes, Deputy Haskins is trying to stop me speaking there! And it nearly worked, congratulations to him.

3595 Deputy Matthews, I rise just to respond to him, really. He seems to have missed the point, as far as I am concerned. I will support this amendment. He seems to be coming at this that the Assembly is trying to protect people from themselves and by us doing this it is forcing this on. If people are being – I will be careful – careless enough to pump poison into their own bodies, Deputy Gollop just saying ‘me’, then that is for them and frankly it is entirely up to Deputy Gollop and his like to do that. But what this would achieve, and Deputy Soulsby has just alluded to it, over time it would reduce the number of smokers and, by association, the healthcare costs associated with that and subsidised by all of us.

3600 Really, for clarity, I am not doing it to protect people from themselves. Pump into your body whatever you want to. I do not care. But this will save the healthcare costs associated with and the point that Deputy Haskins was just making to me was that the revenue – he may well stand after me – is that the revenue we get, the tax revenue we get from cigarettes, more than covers the healthcare costs and therefore, actually, this is a false economy. He is going to stand now, for sure! But of course a £1 million cancer treatment, no one is buying £1 million worth of tax registered cigarettes in their life, so I am not entirely sure that that is correct, but anyway I will leave it to Deputy Haskins to now stand.

3610 **The Bailiff:** Deputy Haskins.

**Deputy Haskins:** Thank you, Deputy Mahoney.

3615 It was interesting, it was brought up by Deputy Gollop, really, about the income. I did see an article and now that Deputy Mahoney has forced my hand to share it, what it stated was that in the UK the tax revenue from cigarettes outweighs the direct costs. That is all it was.

3620 But that also takes into account that when someone has died early because of cancer and all the rest of it, there are savings from not having the pension pot being provided to. (**A Member:** Or cigarettes.) That was what this article actually said that was on about smoking for your country. It is not that I necessarily agree. What I was discussing with Deputy Mahoney is that there are lots of different sides and this report that comes out can highlight all the evidence that it is – and I am a smoker – smoking is something you start when you are a child. I would be happy to entertain looking at this report and basing my decision on the evidence that is provided.

3625 Thank you, sir.

**The Bailiff:** I am now going to turn to Deputy Brouard to speak to Amendment 1 if he so wishes.

**Deputy Brouard:** Thank you very much, sir.

3630 I would like to pick up a few of the points that some of the contributors made. We need to go into our latter years in good health. The length we will live will not change a great deal with the science that we have at the moment, but how we live healthily, or with bad health, will materially affect our health and care system and the cost of it. As Deputy Heidi Soulsby said, tobacco is the biggest cause of preventable ill health and death.



3635 We were saying about the 13% that our statistics are stuck on. Well, basically, we have 86 people locally dying every year, 86 of them. Unfortunately, 86 people are obviously taking it up and that is where we need to try and prevent it, going forward. That is either youngsters or people in their teens, or I did, I took up smoking in my early twenties and again slightly for peer pressure reasons. It can happen all the way through and we need to try and make it so that we have got an atmosphere that smoking just is not the done thing; that it is not something that people look up to.

3640 I am not going to single out the smokers like Deputy Gollop or Deputy Inder or the others, but they all have the same attitude, which is nice, because I am being someone on the right plane here. It is do not look here, look over there at diet, look over there at housing, look over there at the food in the aisles that is unhealthy. That is just a typical misdirection that the tobacco industry has been using for years and I would just say to them, we need to do both for our health.

3645 We need to look at sugars, we need to look at good quality food, but we also need to make sure that Islanders have a house to live in and that they can afford to buy the quality food that they need to. Some of these packs of food that people have to buy now, they probably would not want to, but it is what they need to do to feed their families on the very limited money that they have.

3650 This is just another building block in that journey. I think Deputy Dudley-Owen did a very balanced comment. I think Deputy Inder's point about growing tobacco in Guernsey has been well covered by our new Member and I am very pleased to help us out there because I was trying to get that particular piece of paper that is the reply but I think Deputy Inder protested a bit too much. We do not want to start growing tobacco and then trying to say to people that we are going to try and ban it.

3655 Deputy Dyke made the point about being a libertarian and the same with Deputy Matthews as well. There is a social responsibility, I think, as well. The more we can prevent people taking up smoking in the first place, especially with nicotine, it is extremely addictive – I have heard people say it is as addictive as heroin and I can well believe that – the more we can do to discourage it and not make it a social norm, so I am very pleased to support the amendment coming through from Deputy Roffey, originally, and obviously through Deputies de Sausmarez and Prow.

3660 Thank you, sir.

3665 **The Bailiff:** I will turn finally to the proposer of this amendment, Deputy de Sausmarez, to reply to the debate, please.

**Deputy de Sausmarez:** Thank you, sir, and for the avoidance of doubt, this is just the amendment that we will be voting on.

3670 There has been quite some slippage down into a bit of a tobacco growing rabbit hole, which I think would be better suited to general debate, but I appreciate people have got the right to speak in general debate on amendments. That is what has happened. I felt a little bit like a child looking at their arguing parents at times but, just so we are all clear, the next thing that we will be asked to vote on is the amendment, which seeks this Assembly's support to investigate the possibility of raising the age of people to whom tobacco can legally be sold and to report back with any recommendations, as HSC sees fit.

3675 I would like to thank all the people who have contributed to the debate. I think it has actually been interesting and constructive, and I thank again Deputy Prow for seconding. I thought he had much of interest to say in his speech, not least the core message that prevention is key, here.

3680 Deputy Gollop, I do not intend to go through all the speakers in minute detail but I think Deputy Gollop did raise a number of different issues that then became a little bit thematic so I would like to spend a couple of minutes just on picking a few of the points that Deputy Gollop made.

3685 I would first of all like to iron out any misinterpretation that what is being proposed through this amendment is necessarily the same as the UK model. We would obviously expect that work to look at the UK model but this amendment, in and of itself, is certainly not prescriptive and does not suggest that any one model is better than another. There could be a number of different ways of

raising that age. The UK model is one that would obviously be considered, along with any advantages or indeed limitations and disadvantages.

On that point, a few people in debate mentioned alignment with other jurisdictions and I would have thought that one of the issues that the report would like to look at, would do well to look at and I am sure would, is the advantages of aligning with neighbouring jurisdictions. Deputy Gollop did mention, what about people who bought tobacco legally in France. Again, that is an opportunity to reiterate that what is being proposed in this amendment is investigating the possibility of raising the age of people to whom it is legal to sell tobacco. This is absolutely not about looking at making tobacco illegal, criminalising young people, etc. That is absolutely not it. It is literally about reducing the availability of tobacco to young people.

This really brings us to another point. We know that many young people who are currently under the age at which they can legally buy tobacco, access tobacco through people who are just over that age. It is typically not 40-year-olds who are supplying tobacco to under-18s, on the whole. That is one of the things that evidence suggests that raising the age could be a good way to narrow the availability to younger people but it could again be done in a number of different ways.

Deputy Gollop argued that Public Health needs not to just to prioritise legislation and there are all sorts of other things. This again was picked up by other Members who contributed to the debate. Deputy Dudley-Owen and various others, who said diet and food and drink, etc., are very important and I do not disagree at all. But this is not a binary thing.

Public Health are not just going to look at focusing solely on this and I would like to take the opportunity, I am very well aware, that Public Health and the Health Improvement Commission, in particular, are doing an awful lot of great work at the moment, looking at exactly those issues and in fact Deputy Leadbeater and I, a couple of months ago, attended a really good workshop, led by the Health Improvement Commission, looking at those kinds of issues. So I know a lot of that work is already being done.

Public Health are, as Deputy Leadbeater has said, very supportive of this work and they have indicated that they do not think it would take an undue amount of time. It would not necessarily take up that much time and the Health Improvement Commission would lead the consultation process and Public Health would support in terms of the analysis and evidence. So I think it is a very useful piece of work to do that would inform the strategy.

One of the central arguments really was where was the line when it comes to libertarianism. People have free choice and this argument was put forward very passionately by Deputy Matthews and others but I think it was best summarised by Deputies Soulsby and Mahoney, who really underscored the fact that personal choice is all well and good but it is not just about the effect on individuals. This does actually have far broader ramifications. It affects all of us, not least because of the Public Health costs involved with treating the ill effects of tobacco use. As Deputy Dudley-Owen pointed out, it is very rare for adults to take up smoking, so really, looking at measures that can reduce the rate at which young people take it up would have a positive impact.

I think also in terms of Deputy Matthews' argument about 13% of people smoke, that is quite low. I think it is not low enough. Deputy Haskins, I do thank him, I think he does intend to support this amendment and I am grateful to him. He did put forward an interesting point about income. I hope we are not going to see any requêtes about cutting short the life of people after their economically most productive years or anything like that! I do think it is not just about money and it is really important to bear in mind that we are talking about people's health here and therefore their quality of life.

It is a mistake to look at it in purely economic terms. Ultimately, even if there were to be an economic benefit, which I do not think there is, overall, the fact that it has such a detrimental effect on people's health and people's lives is an important consideration in all of this, as well.

Deputy Matthews talked about children growing up into being adults who have to make their own choices. Absolutely, I agree with that. But surely we should be doing what we can to make that choice easier and certainly those that have run focus groups with young people locally have said that young people, there was quite strong support from young people for this kind of measure,

because it would make their choice easier. Let us not forget that young people are very susceptible to things like peer pressure and it could actually help them to make the healthiest choices.

3740 I think that encapsulates the main themes that came up in debate. I do apologise if I have missed any questions but I am hoping that this amendment will be supported. Just to reiterate, of course, it is complete non-prescriptive, it is just investigating the possibility and I think I sense that the Assembly would be keen to see what comes out in that report so I hope it will be supported.

Thank you.

3745

**The Bailiff:** Members of the States, it is time to vote on the one amendment to this set of Propositions, which proposes inserting an additional Proposition 5. It is proposed by Deputy de Sausmarez, now seconded by Deputy Prow. I will invite the Greffier to open the voting on the amendment, please.

3750

*Amendment 1.*

*There was a recorded vote.*

*Carried – Pour 29, Contre 4, Ne vote pas 0, Did not vote 3, Absent 4*

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	Dyke, John	None	Helyar, Mark	Ferbrache, Peter
Blin, Chris	Gollop, John		Le Tocq, Jonathan	Meerveld, Carl
Brouard, Al	Le Tissier, Chris		Roberts, Steve	Oliver, Victoria
Burford, Yvonne	Matthews, Aidan			Roffey, Peter
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Fairclough, Simon				
Falla, Steve				
Gabriel, Adrian				
Haskins, Sam				
Inder, Neil				
Kazantseva-Miller, Sasha				
Leadbeater, Marc				
Mahoney, David				
McKenna, Liam				
Moakes, Nick				
Murray, Bob				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

**The Bailiff:** In respect of Amendment 1, proposed by Deputy de Sausmarez, seconded by Deputy Prow, there voted in favour, 29 Members; 4 Members voted against; no Member abstained; 7 Members did not participate in the vote and therefore I declare the amendment carried. We move into general debate on the Propositions as amended.

3755

Deputy Queripel.

**Deputy Queripel:** Thank you, sir.

I applaud the intention of making it illegal for a person to smoke tobacco when a child is in a motor vehicle. I wholeheartedly support the motion. But I am wondering how it is going to be

3760

policed. I say that because it is already a criminal offence to have flashing lights on a pushbike but we see cyclists with flashing lights all the time. It is already a criminal offence to use a mobile phone whilst driving but I often see people driving whilst using a mobile phone.

I hope, in posing that question, I am not considered to be adopting a negative approach because, as I have already said, I wholeheartedly support the intention but I am genuinely intrigued about how it is going to be policed So I would be grateful to Deputy Brouard if he could comment on that and give me his views when he responds, please, sir, and I presume the issue has been discussed by the Committee, as well, so I would be grateful if he could relay his Committee's views as well, if they have discussed the issue of policing.

Thank you, sir.

**The Bailiff:** Deputy Dudley-Owen.

**Deputy Dudley-Owen:** Thank you, sir, and I am just wanting to congratulate the Health & Social Care Committee for bringing forward this policy letter and also to add my weight to Deputy Queripel's question, as well, it was a question that came to my mind as well, how enforceable is this? But also another question. Given some of the very compelling evidence in the policy letter, I just wanted to ask why it had taken so long to come to the States.

That is not with any criticism, it is just a genuine, open question, how has it been that knowing this and having been on the front foot, first prison to take smoking away from it, and being quite progressive in our anti-smoking measures, if that is something that is progressive, I know that Deputy Dyke might not think so, how come this has been allowed to slip, given some of the evidence of harm that is stated within the policy letter? How has it been allowed to slip down the agenda in the prioritisation? I would be grateful to know that.

Thank you.

**The Bailiff:** Deputy Leadbeater.

**Deputy Leadbeater:** Thank you, sir. I will be brief.

I just want to respond, really, to Deputy Queripel. This is not all about enforcement. It is not all about going out and prosecuting people. It is about trying to change behaviours. That is the message behind this.

When the policy letter was first released and I looked at some of the traffic on social media and what people were saying and people were saying, 'I thought it was illegal already. Surely people would not be doing that these days?' But people still do because the young people surveys tell us that they still travel in cars where other people are smoking.

Yes, it is something that has to be done. It is something that should have been done previously, I certainly cannot speak for the previous Committee but I do know that they had something called COVID to deal with, which spilled over into this term as well. Also, it is down to resources. There is a very small team in Public Health. They have an extremely wide mandate in Public Health alone, forget the rest of Health & Social Care. There is one policy and legislation officer across the whole Committee and they have got a really brilliant, strong team in Public Health, but they are small and I think that was probably one of the reasons why this has not come forward before, sir, just to answer Deputy Dudley-Owen's question.

Back to Deputy Queripel, it is not about prosecuting people, it is similarly to the other tobacco control measures that have been put in place previously. I have never seen anybody under the age of 18 being prosecuted for buying cigarettes before, put it that way. It is all about changing behaviours. A lot of the work that we do in the areas of public health is about changing behaviours.

I just want to point out one thing, because I forgot to mention that on the amendment, when Deputy Gollop said that tobacco was being singled out here and we are not looking at fatty foods and Deputy Dudley-Owen said ultra-high processed foods, we have also got the Healthier Weight

Strategy as well, the associate Director of Public Health is ably chairing and I sit on the technical team for that so, yes, certainly these are really important things on our radar.

We have a member of one of ESC's offices that sits on that technical team because they are one of the Committees which actually sells food as well –

I will give way to Deputy Gollop.

**Deputy Gollop:** Thank you, Deputy Leadbeater.

I do not want to prolong this too much but I think the difference is with the sweets and maybe the colas and maybe the fatty foods is we have not seen in Guernsey or anywhere else real beef, to use a pun, of preventing retailers from having these by the checkout, of using bright advertising, special offers. We are not suggesting banning eating sweets or children eating sweets in cars and we are not suggesting banning younger adults buying it. So I would say tobacco is treated differently.

**Deputy Leadbeater:** That is a fair point but that is for a very good reason because, as we know, tobacco is probably the most harmful substance that we have circulating in our community, that and alcohol, I am not quite sure which one is the most dangerous but they are certainly extremely costly to our health system and I think I have said enough now, so I will sit down.

Thank you, sir.

**Deputy Haskins:** Sir, could I go for a Rule 26(1), please?

**The Bailiff:** I invite those Members, who wish to speak in general debate on this matter, to stand in their places. Is it still your wish, Deputy Haskins to move a motion that debate now be curtailed, subject to hearing the President reply to the debate? (**Deputy Haskins:** Yes, sir.)

Those in favour; those against?

*Members voted Contre.*

**The Bailiff:** I declare that lost.

**Deputy Haskins:** Could I have a recorded vote, please?

**The Bailiff:** Yes. Can we have a procedural motion up, please, Greffier?

*There was a recorded vote.*

*Not carried – Pour 10, Contre 18, Ne vote pas 4, Did not vote 4, Absent 4*

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	Brouard, Al	Burford, Yvonne	Blin, Chris	Ferbrache, Peter
Cameron, Andy	Bury, Tina	Dudley-Owen, Andrea	Helyar, Mark	Meerveld, Carl
Haskins, Sam	De Lisle, David	Queripel, Lester	Le Tocq, Jonathan	Oliver, Victoria
Inder, Neil	De Sausmarez, Lindsay	St Pier, Gavin	Trott, Lyndon	Roffey, Peter
Le Tissier, Chris	Dyke, John			
McKenna, Liam	Fairclough, Simon			
Murray, Bob	Falla, Steve			
Parkinson, Charles	Gabriel, Adrian			
Prow, Robert	Gollop, John			
Vermeulen, Simon	Kazantseva-Miller, Sasha			
	Leadbeater, Marc			
	Mahoney, David			
	Matthews, Aidan			
	Moakes, Nick			
	Roberts, Steve			

Snowdon, Alexander  
Soulsby, Heidi  
Taylor, Andrew

**The Bailiff:** On the procedural motion proposed by Deputy Haskins that debate be curtailed, pursuant to Rule 26(1), there voted in favour, 10 Members; 18 Members voted against; 4 Members abstained; 8 Members did not participate and that is why it was declared lost.

Deputy Mahoney.

**Deputy Mahoney:** Thank you, sir.

Mine will be brief anyway. Just a couple of questions, really, if Deputy Brouard could answer them when he sums up. I was very happy when I saw the policy letter, prohibition of smoking in vehicles, then it clarifies in paragraph one that it is to smoke tobacco product in an enclosed motor vehicle carrying a child. Could he confirm or otherwise, or just simply do not know, is a vape product considered a tobacco product because it contains nicotine? Are they to be captured as a tobacco product or can someone with gay abandon smoke a vape product with a child in the car, which will produce huge clouds of smoke or whatever it is they emit? Is that included as a tobacco product? Genuine question, I just do not know the answer.

Also, are cannabis products – and again, I am sorry, in my ignorance I do not know – medicinal cannabis that is given out, can that be smoked? Sorry, it is a genuine question. I do not know whether that is in liquid form or how that is taken but if that includes products that can be smoked then are they to be banned in a motor vehicle whilst carrying a child?

I appreciate already that smoking cannabis and driving is not allowed but of course mum and dad, mum could be smoking or dad is driving, or vice versa, with little Jimmy in the back, so is that to be included? If not, why not? Would that be, then, added at some later date? So clarity on that would be really useful for me.

Part three talks about the growing of tobacco in Guernsey. I am with Deputy Inder on this. I would like that split out, a separate vote, please, sir, when we come to it. Is this even an issue? I am really not sure how much land is currently used for this purpose. I am going to guess none at the moment.

It seems somewhat odd that we are looking to ban growing of an entirely legal product at the moment. One of the reasons given, I think, is in 5.3, in the policy letter, noting that we should be advocating for an end to the waste of productive land for tobacco farming, instead of sustainable crops that improve food security and nutrition.

I get that but then I think, I stand to be corrected, three of the old HSC that signed this policy letter, are strong supporters who have encouraged cannabis growing, which again is not the productive whatever it says, sustainable crops that improve food security and nutrition. Cannabis does not fall into that category.

We seem to be in some quarters advocating the use of cannabis, which would take up productive land, but then on another one, banning an entirely legal product, which does not seem to be a problem at the moment. But anyway, if I could get some clarity on those genuine questions, I do not know the answer to them. I thank Deputy Brouard for that.

**The Bailiff:** Deputy Kazantseva-Miller.

**Deputy Kazantseva-Miller:** Sir, just building further on the issues raised around Proposition 3, which is in relation to prohibiting the commercial growing of tobacco that Deputy Inder and Deputy Mahoney mentioned, I think the policy letter is not really reflective of the position of the Economic Development Committee because, from memory, we unanimously did not support the prohibition because actually this is quite a significant step and I still cannot think of any other industry which we wholesale ban but we at the same time have the double standard of really allowing the importation.

If anyone can come up with an industry where we follow those double standards, I would be curious to know.

3900 I think first of all there is probably very limited likelihood that this industry may exist in Guernsey, given the cost of growing and creating this product but, most importantly, I do not think there is any evidence, even if an industry did get established here, a small industry, whether it would lead to worse Public Health outcomes because the implications of what Health might be saying is that if we do have a commercial industry we might have an increase in consumption of tobacco. I do not think there is really evidence to support that. I think as we have seen, smoking starts in the early age. Just because we may have an industry, which is very unlikely, I do not really think there is  
3905 evidence to show that this may lead to further worsening of the public health situation with tobacco.

So given that this is setting quite a significant precedent and I believe not really solving an issue that we have, we do not have an industry, unlikely to have an industry and it is unlikely to lead to worsening outcomes, I do not believe we need to go as far as banning tobacco industry. I am fully supportive of the rest of the policy letter but I feel this may be setting a precedent that we do not  
3910 need to set. It will also involve legal resources, drafting resources that we desperately need for everything else and I just believe it is a step too far in this instance.

**The Bailiff:** Deputy de Lisle.

3915 **Deputy de Lisle:** Thank you, sir.

I certainly support Propositions 1, 2 and 4 and under 1.3, actually, in the policy paper, I am pleased to note the Committee's ambition to support Islanders to live healthier lives, through a greater focus on prevention and early intervention in health and care, although there has been some concern raised both in this Assembly and public meetings and the media, recently, that not  
3920 enough is being done to support the approved policy letter, entitled, A Partnership of Purpose.

Some of the recent references did not make sufficient reference to the focus on prevention and early intervention. I think that is very important for Deputy Soulsby and others to really push forward when talking about that.

I am also pleased to note that at last there is much written in this policy letter in paragraphs 4.4, 4.5 and table 1 with respect to the effect of PM2.5s on health, particularly the fact that these  
3925 particulate matters can penetrate very deep into the lungs and the bloodstream, causing entirely avoidable excess disease, such as acute respiratory infections, middle ear disease, delayed lung growth and severe asthma in children. That is extremely important to note with regard to the Propositions that are being voted on today.

But I also need to point out that it is far broader an issue with regard, for example, to the Hospital incinerator spewing out and firing up particulates of 2.5 into the atmosphere in the middle of the Hospital and of course Guernsey Electricity doing the same, polluting the atmosphere around the Bridge, with not only black soot and nitrogen and phosphorous and so on but PM2.5s, small  
3930 particulates that are very dangerous to health in that particular area.

All in all, I support this policy letter and I am grateful for certain points to be mentioned here with regard to greater focus on prevention and early intervention and also the serious health concerns and impacts on PM2.5s, these small particulates that had arrived from polluting the air around the Hospital and down at the Bridge.

Thank you, sir.

3940

**The Bailiff:** Deputy Dyke.

**Deputy Dyke:** Thank you, sir. Given the time, I will be brief.

Obviously, I thank those responsible for bringing this paper, which is mostly extremely good and I will be supporting the parts concerning not smoking in cars. I think enforcement is actually going  
3945 to be rather difficult. I see the examples they have put in of a 19-year-old driving a car and a baby in this thing and a 17-year-old smoking in the back, various combinations with the baby driving the

car and someone else smoking! It is all rather difficult. But I see the point that it is not enforcement that is the issue. Funnily enough, I am actually surprised that this is necessary; that anyone would smoke in a car with small children seems ridiculous but to prevent it, to me it is obvious that it is a very good thing.

One thing I would say, the paper is nicely argued by those who presented it in this area but what I think they did not need to do is add to their own arguments that it is following the World Health Organisation, this treaty and that treaty and the other. I think we should be making our own decisions here and I am not very keen on looking at these international arrangements. I think they are a little bit dangerous and they could have the effect in the long term of cutting down on our actual democracy in the jurisdiction. That is kind of an aside.

The part of the paper I am not so keen on is the banning of the growing of tobacco products. It seems to me a totally random insertion. I do not understand it. I agree what others have said, Deputy Kazantseva-Miller I think has said pretty much everything I would have said on it. But if you start banning tobacco because it can be turned into a dangerous item like cigarettes then you could ban growing grapes because they will be turned into alcoholic wine or hops because they might be turned into beer. It is all kind of, I do not know, it just seems random pointlessness to me so I will be voting against that.

Thank you.

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Thank you, sir. I too will be brief.

I just also want to put on record an element of our consultation response that while, quite rightly, obviously, the main focus and driver underpinning this policy letter is about health impacts, there are some marginal environmental benefits to the proposal on reducing the prevalence of smoking in cars with children, and again it works on the principle that prevention is better, you get better bang for your buck.

Cigarettes might be small but they are highly toxic in environmental terms. They are one of the most littered items ever, globally. They have got all sorts of chemicals and they are also made of cellulose acetate, which breaks down into micro plastics in the environment and they can enter food systems and ecosystems. A single cigarette butt in a litre of water is shown to be lethal to all microorganisms within 24 hours, so they might be small but they can have a big impact and we know, and I know from first-hand experience, because I have done cigarette butt litter picks, they are particularly prevalent in places where cars congregate and you often see them being thrown out of car windows. There is also the waste packaging as well.

So I appreciate it is very marginal in the context of what this policy letter is quite rightly all about but if there are some tangential benefits then so be it and I just wanted to put on the record again E&I's support, because of the impact on areas of our mandate, however marginal they might be.

With respect to Deputy de Lisle talking about the Hospital incinerator and I would just remind him that actually that is a problem that is being currently addressed by HSC and E&I and that is something that is moving. That is something that is being progressed to a much better solution.

With respect to the growing, the most contentious Proposition in the policy letter, the growing of tobacco, I think it is a little bit over-thinking it to think of it in terms of health impacts. To me it is quite simple, it is just a case of reputation. I think tobacco, unlike grapes, which can have nutritional benefit, is just generally regarded as a sin stock.

I think it is a problem that we do not currently have, it is great that we do not currently have it. Yes, the risk of that ever materialising may be relatively small, I appreciate it is a bit random to stick it in this policy letter but it is a passing bandwagon. I just think it probably would create reputational issues were a tobacco industry to sprout up for whatever reason so I do not really have a problem with that particular Proposition.

Thanks very much.



4000 **The Bailiff:** Members of the States, is it your wish that we continue sitting to conclude debate on this set of Propositions? That is the motion I am going to put to you. Those in favour; those against?

*Members voted Pour.*

4005

**The Bailiff:** I will declare that carried. Is there anyone else who wishes to speak in general debate or can I turn to the President to reply? No.

Deputy Brouard to reply to the debate, then, please.

4010

**Deputy Brouard:** Thank you, sir.

I think one of the first contributors was Deputy Queripel and I think he was asking a question about how to police. I think that is reasonably well covered in 4.17, 4.18 and 4.19. It is not so much about the policing, it is the direction of travel and it is that signposting. It is the main point we want to get over.

4015

Deputy Dudley-Owen mentioned about why taking so long? I am going to use this electronic device here that someone sent me a message through on Teams, amazing stuff, reply to Deputy Dudley-Owen: 'Recommendation to ban smoking in cars with children was put to the Committee for Health & Social Care in 2017. It was not prioritised. Officers were instead instructed to undertake an awareness campaign, which was done, with a watching brief of the Young People's Survey Results in 2019 to see if there was any change in the children being exposed to second hand smoke in cars. Then we had the pandemic. It was trying to make it evidence based as to why we got to where we are today.'

4020

Deputy Mahoney asked about tobacco products. Neither vapes nor cannabis are tobacco products as such but I would like to think that when we bring the proposals on the vape legislation that smoking vapes in cars may well be one of those pieces into that jigsaw puzzle. So I thank him for that because that is a piece of information, which I had not thought of, so thank you.

4025

Deputy Kazantseva-Miller, the reason for the tobacco, it was literally a passing hobby horse, or passing opportunity that came through. We had a request to consider an industry, we were looking at how we could regulate it or not, did we want it, did we not, hence the consultation with yourselves.

4030

Obviously you have a slightly different view of how we have interpreted it but you did not come back and say, yes, great idea, we really want to have this industry established. I think there are some reputational risks from having a tobacco industry and we are trying to ban tobacco, from people taking it up. It does seem a little bit awkward to then promote having fields of it, although my father used to grow it during the War and invented a machine for cutting it.

4035

Deputy de Lisle makes a very good point and he is going to have that opportunity, I am going to be very interested how he votes on it, because we are considering bringing a paper to offer some ways in which we can further enhance our prevention of ill health, which is exactly what he wants. But there will be a financial tag attached to it, so that is going to be a very interesting debate because we would very much like to be able to limit the pressure on the Hospital in five, 10, 15, 20 years' time and the way to do it is to have people living healthy lives, where they do not require our services late in life.

4040

The second point I think he mentioned about the Hospital incinerator, that is moving ahead, we are moving it to a different place and it will have better filters, etc. Finally, Deputy Dyke mentioned about tobacco growing and I thank Deputy de Sausmarez for her support. I think it has been a very positive debate today, so thank you very much indeed and I hope you can support all the Propositions.

4045

Thank you very much indeed.

4050

**The Bailiff:** Members of the States, I have got the message loud and clear that Proposition 3 needs to be taken discreetly. Are there any other requests to sub-divide the five Propositions? In

that case we will have a vote, please, on Propositions 1 and 2 taken together only, first, please. Greffier, will you now open the voting on Propositions 1 and 2 please.

*Propositions 1 and 2.*

*There was a recorded vote.*

*Carried – Pour 33, Contre 0, Ne vote pas 0, Did not vote 3, Absent 4*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>DID NOT VOTE</b>	<b>ABSENT</b>
Aldwell, Sue	None	None	Blin, Chris	Ferbrache, Peter
Brouard, Al			Helyar, Mark	Meerveld, Carl
Burford, Yvonne			Le Tocq, Jonathan	Oliver, Victoria
Bury, Tina				Roffey, Peter
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Leadbeater, Marc				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Moakes, Nick				
Murray, Bob				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roberts, Steve				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

4055

**The Bailiff:** In respect of Propositions 1 and 2 only, there voted in favour, 33 Members; no Member voted against; no Member abstained; 7 Members did not participate in the vote and therefore I declare both of those Propositions duly carried.

4060

We will next have a vote on Proposition 3, taken in isolation, please. I will invite the Greffier to open the voting on Proposition 3, please.

*Proposition 3.*

*There was a recorded vote.*

*Not carried– Pour 16, Contre 16, Ne vote pas 1, Did not vote 3, Absent 4*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>DID NOT VOTE</b>	<b>ABSENT</b>
Aldwell, Sue	Cameron, Andy	Falla, Steve	Blin, Chris	Ferbrache, Peter
Brouard, Al	De Lisle, David		Helyar, Mark	Meerveld, Carl
Burford, Yvonne	Dudley-Owen, Andrea		Le Tocq, Jonathan	Oliver, Victoria
Bury, Tina	Dyke, John			Roffey, Peter
De Sausmarez, Lindsay	Gabriel, Adrian			

Fairclough, Simon	Gollop, John
Leadbeater, Marc	Haskins, Sam
Matthews, Aidan	Inder, Neil
McKenna, Liam	Kazantseva-Miller, Sasha
Murray, Bob	Le Tissier, Chris
Parkinson, Charles	Mahoney, David
Prow, Robert	Moakes, Nick
Snowdon, Alexander	Queripel, Lester
Soulsby, Heidi	Roberts, Steve
Taylor, Andrew	St Pier, Gavin
Trott, Lyndon	Vermeulen, Simon

**The Bailiff:** In respect of Proposition 3, there voted in favour, 16 Members; there voted against, 16 Members; 1 Member abstained; 7 Members did not participate in the vote and therefore I declare Proposition 3 lost.

We will now take Propositions 4 and 5 together. I will ask the Greffier to open the voting on Propositions 4 and 5, please.

**Deputy Dyke:** Sir, should 4 and 5 be separate?

**The Bailiff:** Nobody made a request that they be separated, which is why I have taken them together, Deputy Dyke.

*Propositions 4 and 5.*

*There was a recorded vote.*

*Carried – Pour 31, Contre 2, Ne vote pas 0, Did not vote 3, Absent 4*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>DID NOT VOTE</b>	<b>ABSENT</b>
Aldwell, Sue	Dyke, John	None	Blin, Chris	Ferbrache, Peter
Brouard, Al	Le Tissier, Chris		Helyar, Mark	Meerveld, Carl
Burford, Yvonne			Le Tocq, Jonathan	Oliver, Victoria
Bury, Tina				Roffey, Peter
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Fairclough, Simon				
Falla, Steve				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Inder, Neil				
Kazantseva-Miller, Sasha				
Leadbeater, Marc				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Moakes, Nick				
Murray, Bob				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roberts, Steve				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

4075

**The Bailiff:** In respect of Propositions 4 and 5, there voted in favour, 31 Members; 2 Members voted against; no Members abstained; 7 Members did not participate and therefore I will declare both of those Propositions carried, which means that it is only Proposition 3 that was declared lost on the equality of votes.

We will now adjourn until 9.30 tomorrow morning.

*The Assembly adjourned at 5.38 p.m.*